

By Mr. RUBEN: A bill (H. R. 13526) granting a pension to Walter Skeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13527) granting a pension to Benjamin F. Duniwin; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 13528) for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.

By Mr. TALCOTT of New York: A bill (H. R. 13529) granting a pension to William S. Dufur; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 13530) granting a pension to Harvey O. Zerbe; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 13531) granting a pension to Richard P. Ayraud; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Petitions and memorials of numerous citizens throughout the country to accompany House bill 9449, to amend the Hepburn Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petitions of 66 citizens of Vermont, urging the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Grand Lodge No. 2, Independent Order of B'nai B'rith, concerning treatment of American citizens of Jewish faith by Russia; to the Committee on Foreign Affairs.

By Mr. KAHN: Resolutions adopted by the California State Homeopathic Medical Society, in favor of House bill 5599; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of Herklotz, Corn & Co., of New York, N. Y., in behalf of the Louisiana sugar planters, against any reduction of the present sugar schedules; to the Committee on Ways and Means.

Also, resolution of Arizona Woolgrowers' Association, against changes and reductions in tariff schedules on wool and meats; to the Committee on Ways and Means.

Also, resolution of District Grand Lodge, No. 2, B'nai B'rith, pointing out the discriminations made by the Russian Government against American citizens of the Jewish faith; to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Papers to accompany House bill 12347; to the Committee on War Claims.

By Mr. RAKER: Papers to accompany House bill 12502; to the Committee on Claims.

By Mr. J. M. C. SMITH: Papers to accompany House bills 12011 and 12102; to the Committee on Military Affairs.

By Mr. UTTER: Papers to accompany House bills 11358 and 12997; to the Committee on Invalid Pensions.

Also, petition of Sarah W. Wilcox to accompany House bill 11307; to the Committee on Pensions.

Also, resolutions of the State Board of Health of Rhode Island, regretting the proposed removal of the Chief of the Bureau of Chemistry, Department of Agriculture, and urging full consideration of his official acts; to the Committee on Expenditures in the Department of Agriculture.

#### SENATE.

SATURDAY, August 12, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

#### NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT. The Chair lays before the Senate the following telegram, which will be read by the Secretary.

The telegram was read, and ordered to lie on the table, as follows:

JAMES S. SHERMAN,  
Vice President of the United States, Washington, D. C.

I hereby tender my resignation as a member of the National Monetary Commission.

FRANK P. FLINT.

#### PRINTING OF ARBITRATION TREATIES.

Mr. LODGE. I ask that the two treaties of arbitration with France and Great Britain, from which the injunction of secrecy has been removed, be printed as separate Senate documents. There is a great demand for copies from the document room. (S. Docs. Nos. 91, 92, 93, and 94.)

The VICE PRESIDENT. The order will be entered as requested, without objection. No objection is heard.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against certain information being given assessment companies and others as to returns made by corporations, which was referred to the Committee on Finance.

Mr. O'GORMAN presented 115 petitions of citizens of New York City, N. Y., and petitions of sundry citizens of Brooklyn, N. Y., praying for the repeal of the duty on lemons, which were ordered to lie on the table.

Mr. BURTON presented a petition of sundry citizens of Salem, Ohio, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

#### COUNTING A QUORUM.

Mr. BACON. Mr. President, my attention was diverted, and I do not know whether the Journal has reference to the particular matter to which I now wish to ask the attention of the Senate.

I was necessarily absent yesterday on business of the Senate, and was not present when certain action was taken which I find in the Record, on page 3827, and which I will read. After giving the names of the Senators voting and not voting upon the proposition presented, the Record is as follows:

The VICE PRESIDENT. Six Senators, the Senator from Wyoming [Mr. CLARK], the Senator from Kansas [Mr. CURTIS], the Senator from South Carolina [Mr. SMITH], the Senator from New Jersey [Mr. BRIGGS], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. WILLIAMS], having announced that they refrained from voting because of their pairs, making the announcement individually in each case, the number voting, with those six, discloses the presence of a quorum. The yeas have it, and the motion of the Senator from Utah [Mr. SMOOT] is lost.

I do not desire, Mr. President, to take any action by making any motion in regard to it, but I am unwilling that that should pass without dissent; otherwise it might hereafter be taken as an action of the Senate sub silentio. I simply desire to call attention to the fact that this question in its substantial form was before the Senate on the 19th day of December last, when a similar ruling was made by the Chair; that the then Senator from Maine, Mr. Hale, appealed from the decision of the Chair, and the vote was taken on that appeal by yeas and nays; and the result was that the Senate, by a vote of 37 yeas to 17 nays, decided that the decision of the Chair should not stand as the judgment of the Senate.

I repeat, I do not now desire to raise any issue upon it or to make a motion in regard thereto. As stated by Mr. Hale, the former Senator from Maine, upon that occasion the ruling was without precedent in the history of the Senate, and he appealed from it. I content myself simply with calling attention to it now, because I do not wish that by passing it without its being challenged it should appear to have had the sanction of the Senate, even in a negative or, rather, in a passive way.

The VICE PRESIDENT. Reports of committees are in order.

#### REPORTS OF COMMITTEE ON COMMERCE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure (Rept. No. 135);

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va. (Rept. No. 136);

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg. (Rept. No. 137);

H. R. 7263. An act to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties (Rept. No. 138);

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois (Rept. No. 139); and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn. (Rept. No. 140).

#### CLAIMS OF KENTUCKY.

Mr. CRAWFORD. I am directed by the Committee on Claims to report favorably a resolution sending to the Court of Claims a couple of cases in which it is necessary to make corrections

in titles, the matter having already gone there, but there being a mistake in the titles.

The resolution (S. Res. 134) was read, as follows:

*Resolved*, That the claims of the county of Nelson, State of Kentucky (S. 396), and the Methodist Episcopal Church of Louisa, Ky. (S. 895), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to ask the chairman of the committee whether this is a special case, or whether he desires to have it reported differently from what has always been done in the past.

Mr. CRAWFORD. These cases have already been referred to the Court of Claims, but there are defects in the titles, and the court requested that the correction be made. This resolution is sending the matter over with the correct titles.

Mr. SMOOT. Simply correcting the titles?

Mr. CRAWFORD. That is all.

Mr. SMOOT. I have no objection.

The resolution was considered by unanimous consent and agreed to.

#### PORT OF BROWNSVILLE, TEX.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 2925) to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex. I call the attention of the Senator from Texas [Mr. CULBERSON] to the bill.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for information.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SENATOR FROM WISCONSIN.

Mr. DILLINGHAM. From the Committee on Privileges and Elections I report a resolution, and I desire to say that I do so under the direction of that committee at a meeting held this morning.

The VICE PRESIDENT. The Senator from Vermont reports from the Committee on Privileges and Elections a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 136), as follows:

*Resolved*, That the Senate Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### FLORIDA EAST COAST RAILWAY CELEBRATION.

Mr. ROOT. I am directed by the Committee on Industrial Expositions, to which was referred Senate concurrent resolution No. 7, submitted by the Senator from Florida [Mr. FLETCHER], relative to the celebration in January, 1912, at Key West, Fla., to report it with an amendment in the nature of a substitute, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Secretary read the substitute, and it was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the President of the United States be, and he is hereby, requested to transmit in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the

extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such governments or countries so invited.

*Resolved further*, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

*Resolved further*, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 3212) to provide for the purchase of additional ground for the site of the public building in the city of Pensacola, in the State of Florida; to the Committee on Public Buildings and Grounds.

By Mr. WETMORE:

A bill (S. 3213) granting an increase of pension to Frances E. Peabody (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 3214) granting a pension to John T. Drinkwater (with accompanying papers);

A bill (S. 3215) granting an increase of pension to Benjamin F. Dickover (with accompanying papers); and

A bill (S. 3216) granting an increase of pension to Robert F. Catterson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 3217) for the relief of Robert Letherby; to the Committee on Military Affairs.

#### THE COTTON SCHEDULE.

Mr. CUMMINS. I propose certain amendments to House bill 12812, being the bill for the revision of the cotton schedule, which I send to the desk and ask to have printed and lie on the table.

The VICE PRESIDENT. The proposed amendments will be printed and lie on the table.

Mr. OVERMAN. I submit certain amendments to House bill 12812. They propose a revision of the chemical schedule, reducing the rate 25 per cent on an ad valorem basis from the present duty.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

#### EXTRA MONTH'S PAY TO EMPLOYEES.

Mr. CLAPP. I introduce a joint resolution, and, as I understand it ought to be disposed of in the manner I request, I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 54) to reimburse the officers and employees of the Senate for mileage and expenses incident to the first session of the Sixty-second Congress, was read the first time by its title, and the second time at length, as follows:

*Resolved, etc.*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to the officers and employees of the Senate borne on the annual and session rolls on the first day of July, 1911, including the official reporters of the Senate and W. A. Smith, CONGRESSIONAL RECORD Clerk, as reimbursement for mileage and expenses and for extra services during the first session of the Sixty-second Congress a sum equal to one month's pay at the compensation then paid to them by law, the same to be paid out of any moneys in the Treasury not otherwise appropriated, and to be immediately available.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I should like to have the joint resolution go over.

Mr. CLAPP. I have no objection to its going over, Mr. President.

The VICE PRESIDENT. The Senator from Utah objects, and the joint resolution goes over.

#### COTTON-CROP STATISTICS.

Mr. SMITH of South Carolina. I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 135) was read, as follows:

*Resolved*, That the Secretary of Agriculture be, and he is hereby, instructed to furnish to the Senate detailed information as to the methods employed in obtaining a report on the condition of the growing cotton crop; the persons employed in obtaining such information, their names, and post-office addresses, by States;

Also, the classes into which these reporting agents are subdivided;

Also, all information as to the methods employed in arriving at an estimate of the probable yield of the cotton crop from the condition of the growing crop;

Also, the method employed in arriving at the increase or decrease in acreage planted to cotton from year to year.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?



Mr. BURTON. I should like to ask what is the purpose of the resolution? What is the use to be made of the information?

Mr. SMITH of South Carolina. All those who are interested in the cotton-crop reports have no detailed information as to the method by which they are arrived at, and we merely want that information for our benefit.

I will state to the Senator from Ohio also that it is essential for us to get the proper persons to report on the conditions of the crop. The head of the department is not as familiar as Members here about getting the information, and we could in that way aid him materially in procuring it.

Mr. BURTON. Would it not be possible that local interest would be brought to bear to modify the reports if the names were known and that the department would thereby be embarrassed?

Mr. SMITH of South Carolina. I do not think that that could possibly be the case. Involving large interests, as the cotton crop involves, I can not see how it would embarrass anyone or how it would cause any less fair report. In fact, it would operate toward having a fair report if the names of the individuals become known. I know the conditions in my State, and I know that a fair and just report would be more easily obtained if the proper individuals were employed to report. Besides, if the effort I am making succeeds, involving, as it does, the method of arriving at the condition of the crop, the fact would be known to the Senate. I am quite sure those on this side of the Chamber who are interested in the production of cotton have no detailed information as to how the report is arrived at.

Mr. BURTON. I will ask the Senator from South Carolina, if he will yield for that purpose, whether there has ever been any difficulty in obtaining the names of the reporters or the sources of information from the Agricultural Department? Could not that information be obtained readily by consultation with the Secretary of Agriculture, and in such consultation could not the question be considered whether the accuracy of the statistics might not be impaired by giving out this detailed information?

Mr. SMITH of South Carolina. I should like to state to the Senator from Ohio that where the names are known the proper weight can be given by the trade to the report; and there are some instances, I am sure, where persons are not familiar enough with cotton cultivation and the production of cotton to give the proper information to the Agricultural Department. I think that will be found to be the experience of practically everyone.

Mr. BURTON. I do not think I shall object to the resolution being called up on Monday, but I should like to have it go over for a day, in order that it may be examined.

The VICE PRESIDENT. On the objection of the Senator from Ohio, the resolution goes over until the next legislative day.

#### NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT. The morning business is closed.

Mr. CUMMINS. I move that the Senate proceed to the consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

The motion was agreed to.

#### FUNDS OF THE KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes. It is a bill the passage of which is desired by the Department of the Interior.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. I object, unless the amendment to the bill I have heretofore suggested be made.

Mr. OWEN. I have an amendment that I am going to propose, which will meet the wishes of the Senator from Kansas.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments. The first amendment was, on page 1, line 5, before the words "the funds," to insert the words "so much of."

Mr. OWEN. There I should like to have inserted the words "an amount not to exceed \$50 per capita out of" in lieu of the words "so much of."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 1, line 5, by striking out the words "so much of" and inserting in lieu thereof the words "an amount not to exceed \$50 per capita out of."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 1, line 6, after the word "Oklahoma," to strike out the words "or so much thereof."

Mr. OWEN. I move to amend the amendment of the committee, in line 6, after the word "thereof," by striking out the words "as he may deem necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 1, in line 8, after the word "Oklahoma," to insert the words "nearest the home of said Indians," and, on page 2, line 2, after the words "Secretary of the Interior," to strike out the word "shall."

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "Indians," to insert:

*Provided*, That this shall not apply to the Apache, Kiowa, and Comanche 4 per cent fund of approximately \$2,600,000 now on deposit in the United States Treasury under the act of June 5, 1906 (34 Stat., p. 213), or subsequent acts of Congress.

The amendment was agreed to.

Mr. CURTIS. Now, Mr. President, I should like to have the bill read as amended.

The VICE PRESIDENT. The Secretary will read the bill as amended.

The Secretary read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States an amount not to exceed \$50 per capita out of the funds of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and deposit the same in such banks of Oklahoma nearest the home of said Indians as he may select, under such regulations as he may prescribe, and thereafter use so much of the said funds for the benefit of said Indians as he may deem proper: *Provided*, That the Secretary of the Interior report to Congress at its next session the amount of such funds so used for the benefit of said Indians: *Provided*, That this shall not apply to the Apache, Kiowa, and Comanche 4 per cent fund of approximately \$2,600,000 now on deposit in the United States Treasury under the act of June 5, 1906 (34 Stat., p. 213), or subsequent acts of Congress.

Mr. CURTIS. Mr. President, I think it would be better to provide for a direct payment, but I have no objection to the money going into the banks and letting it be paid out as the Secretary of the Interior may see fit. The intention, however, as I understand, is to make a payment to relieve those Indians from their unfortunate condition, the result of a drought down there.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NATIONAL MONETARY COMMISSION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. BURTON. Mr. President, I ask unanimous consent that a vote be taken on the bill and all amendments thereto at 1 o'clock and 45 minutes p. m. on Monday next. I make this request with the hope that an hour, or perhaps more, will be available after the termination of morning business on Monday for further discussion of the bill. I should like to occupy some considerable time myself.

Mr. CUMMINS. Mr. President, does the Senator from Ohio mean that he desires to occupy time for debate on Monday after 1.45 or before that hour?

Mr. BURTON. Before that hour.

Mr. CUMMINS. I hope very much that the request of the Senator from Ohio will be granted.

The VICE PRESIDENT. Is it the intention of the Senator from Ohio that at 1.45 p. m., on Monday next, the vote shall be taken without further debate?

Mr. BURTON. That the vote be taken without further debate on the bill and all amendments thereto at the time named.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent that on Monday next, at 1 o'clock and 45 minutes p. m., without further debate, a vote be taken upon Senate bill 854 and upon the pending amendment and any amendments to be offered to its final disposition. Is there objection?

Mr. CUMMINS. Mr. President, I do not rise to object, but I rise to express the hope that the request of the Senator from Ohio will receive the approval of all Senators. It is not my purpose in this bill to disparage the work of the commission. I very much want the Senate to utilize the accumulated facts which the commission has gathered during the course of its investigation. I do want a report, and a report speedily, so that Congress can do whatsoever is necessary to remedy the defects in our financial system.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio [Mr. BURTON]? The Chair hears none, and the order is entered.

#### THE COTTON SCHEDULE.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 112, being the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CUMMINS. Mr. President, I now offer the amendment which I sent to the Secretary's desk a few minutes ago, which I ask to have read. I desire the amendment relating to the revision of the metal schedule to be first read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section to the bill, as follows:

Sec. —. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 121 of Schedule C thereof and inserting the following:

"121. Beams, girders, joists, angles, car-truck channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled and manufactured, one-quarter of 1 cent per pound.

The said Schedule C in the act aforesaid, being paragraphs 117 to 199, both inclusive, is hereby further amended as follows, to wit:

"From and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 117 to 151, inclusive, 159 to 163, inclusive, and 171 of said Schedule C, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), 60 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed; but the foregoing shall not apply to paragraph 121, which is hereinbefore repealed and a substitute reenacted therefor."

That from and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 152 to 158, inclusive, 164 to 170, inclusive, 172 to 199, inclusive, of said Schedule C, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila) 70 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed: *Provided, however*, That if any article embraced in said schedule shall by an act of Congress passed by the Sixty-second Congress, second session, be placed on the free list, this act shall not apply thereto.

The VICE PRESIDENT. Does the Senator desire the amendment acted upon at once?

Mr. CUMMINS. I desire, Mr. President, to address the Senate at some length, as briefly as possible, however, upon this amendment.

Mr. CULLOM. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened.

#### THE COTTON SCHEDULE.

Mr. SMOOT. I understand that the cotton bill is the unfinished business.

The VICE PRESIDENT. No; it is not yet, unless it was the understanding of the Senate that the unanimous-consent agreement did away with Senate bill No. 854, which was under consideration as the unfinished business.

Mr. CUMMINS. So far as I am concerned, it was my understanding that the bill relating to the Monetary Commission should be displaced as the unfinished business.

The VICE PRESIDENT. The Chair thinks that was the understanding of the Senate.

Mr. SMOOT. If there is any doubt about it, I will move to take up the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The VICE PRESIDENT. Without objection, the motion will be entered as agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. CUMMINS. Mr. President, it is not expected, I believe, that the session shall continue for any great length of time this afternoon. I do not want to enter upon the address that I have in my mind to make upon the amendment to the bill now under consideration. I ask that the Secretary shall report the amendment I have proposed.

The VICE PRESIDENT. Without objection, the Secretary will read the amendment.

The Secretary again read Mr. CUMMINS's amendment.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11303. An act for the relief of Eliza Choteau Roscamp;

H. R. 13120. An act to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the joint resolution (H. J. Res. 31) authorizing the Secretary of War to loan certain tents for use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, the original having been lost or mislaid.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes;

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana;

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 11021. An act to authorize the Lavitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.; and

H. R. 11477. An act authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

#### HOUSE BILLS REFERRED.

H. R. 11303. An act for the relief of Eliza Choteau Roscamp was read twice by its title and referred to the Committee on Indian Affairs.

The following bill and joint resolution were read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13120. An act to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium; and



H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

#### ASTORIA (OREG.) CENTENNIAL.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the joint resolution (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, and by unanimous consent the request was ordered to be complied with.

#### THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. OVERMAN. I should like to inquire if the Senator from Iowa proposes to go on with his speech this afternoon.

Mr. CUMMINS. I do not intend to go on with my address this afternoon if it can be avoided.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Martine, N. J.	Simmons
Borah	Cummins	Myers	Smith, S. C.
Bourne	Dixon	O'Gorman	Smoot
Brandegee	Fletcher	Oliver	Stephenson
Brown	Foster	Overman	Swanson
Burnham	Gamble	Owen	Townsend
Burton	Johnston, Ala.	Page	Watson
Chilton	Jones	Perkins	Williams
Clarke, Ark.	Lippitt	Poindexter	Works
Crane	Lodge	Reed	
Crawford	Martin, Va.	Shively	

Mr. BURNHAM. I wish to state that my colleague [Mr. GALLINGER] is unavoidably absent.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The VICE PRESIDENT. The Secretary will call the list of absentees.

The Secretary called the list of absentees and Mr. BANKHEAD, Mr. BRISTOW, Mr. DILLINGHAM, and Mr. SMITH of Michigan answered to their names when called.

Mr. BRYAN entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CUMMINS. I rise to a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Iowa which the Secretary read a few moments ago.

Mr. OVERMAN. It is evident that the Senate does not want to go on this evening with the debate, and I suggest that unobjected bills on the calendar be taken up temporarily.

Mr. SMOOT. If the Senator will ask unanimous consent that that be done, it would not displace the unfinished business?

The VICE PRESIDENT. It would not, if the unfinished business were temporarily laid aside.

Mr. SMOOT. Then I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears no objection, and the unfinished business is temporarily laid aside.

#### THE CALENDAR.

Mr. SMOOT. I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII. The motion was agreed to.

The VICE PRESIDENT. The Secretary will call the first bill on the calendar.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia was announced as the first bill in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as the next bill in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

#### JOHN P. FITZGERALD.

The bill (S. 2246) to amend the military record of John P. Fitzgerald was considered as in Committee of the Whole. It proposes to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company K, Seventh Regiment, and Company C, First Regiment, Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald.

Mr. SMOOT. There is a report, No. 104, on the bill, and I should like to have it read.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, submitted by Mr. JOHNSTON of Alabama July 18, 1911, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2246) to amend the military record of John P. Fitzgerald, having had the same under consideration, reports it back to the Senate with the recommendation that it do pass.

This soldier was between 16 and 17 years old when he enlisted in the Army, and, on account of his father's opposition to his enlisting in the service, he went from his home in Jay County, Ind., to Jackson, Mich., walking a greater part of the distance, where he enlisted in a Michigan regiment under the name of Joshua Porter, to prevent his father from finding him and taking him back to his home.

He is now drawing a pension, and on February 3, 1910, the Treasury Department allowed his claim for travel pay from Salt Lake City, Utah, the place of discharge, to Jackson, Mich., amounting to \$211.17.

After his discharge he remained in the West, and never returned to Michigan or Indiana until after filing his claim for pension, when he returned to Michigan, at great inconvenience and an expense of about \$250, to procure the testimony of comrades showing his identity with the soldier who served as Joshua Porter, and there is now on file with his old claim in the Pension Bureau the affidavits of three comrades showing identity, on the strength of which his claims for pension and travel pay were allowed.

The War Department requires that before a discharge is issued in a soldier's true name he must furnish personal identity, or, in other words, to get a discharge certificate in his true name through regular channels Mr. Fitzgerald would be compelled to again go back to Michigan from the State of Washington, where he now lives, at great inconvenience and an expense that he is unable to bear; hence, as his service was an honorable one and his enlistment under an assumed name was not for the purpose of hiding a crime, and since the evidence on file in the Pension Bureau proves beyond any question of doubt that John P. Fitzgerald and Joshua Porter are one and the same person, your committee recommends that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911, was announced as next in order on the calendar.

The VICE PRESIDENT. This bill goes over under the unanimous-consent agreement.

The bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

Senate resolution 109, submitted by Mr. NEWLANDS, providing for a certain program of legislation and for a recess of Congress, was announced as next in order.

Mr. HEYBURN. I ask that the resolution may go over.

The VICE PRESIDENT. It will go over on the request of the Senator from Idaho.

Senate concurrent resolution 4, submitted by Mr. POMERENE, directing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. SMOOT. Let the concurrent resolution go over.

The VICE PRESIDENT. It will go over.

#### ALASKA NORTHERN RAILWAY.

The bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, was considered as in Committee of the Whole.

Mr. SMOOT. There is a report on the bill, No. 113. I should like to have the report read.

The VICE PRESIDENT. The Secretary will read the report. The Secretary read the report, submitted by Mr. CHAMBERLAIN July 28, 1911, as follows:

The Committee on Territories, to whom was referred the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, have had the bill under consideration and report it back to the Senate unanimously without amendment, with the recommendation that it pass.

The promoters of the Alaska Northern Railway have in the process of construction a railroad 700 miles in length, which will extend from Seward to Fairbanks, they having already expended \$6,000,000 in this work; and the committee recommend that the extension of six years provided for in Senate bill 2534 be granted, so as to enable the parties interested in the construction of this railroad to comply with the requirements of the act of May 14, 1898, the provisions of which were extended by the act of March 2, 1909, for three years from that date, and which extension was found to be insufficient for them to meet the requirements of the law of May 14, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STATUE OF GEN. JAMES MILLER AT PETERBORO, N. H.

The bill (S. 304) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., was considered as in Committee of the Whole.

Mr. SMOOT. I should like to have the Secretary read the report of the committee on this bill, it being Report No. 116.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. WETMORE August 4, 1911, as follows:

The Committee on the Library, to whom was referred the bill (S. 304) for the erection of a statue to the memory of Gen. James Miller, at Peterboro, N. H., have had the same under consideration, with the accompanying papers, and report it back without amendment.

Similar bills passed the Senate in the Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses, but were not acted upon in the House of Representatives.

[Extract from Senate Report No. 1157, Sixty-first Congress, third session.]

The Senate report of the Fifty-eighth Congress is as follows (S. Rept. No. 158, 58th Cong., 2d sess.):

The Committee on the Library, to whom was referred the bill (S. 1634) for the erection of a statue to the memory of Gen. James Miller, at Peterboro, N. H., have had the same under consideration, with the accompanying papers, and report it back without amendment.

Gen. James Miller, the hero of Lundys Lane, was born at Peterboro, N. H., April 25, 1776. He was educated for the law and admitted to practice in 1803. Shortly thereafter he commanded a company of artillery in the Militia of New Hampshire, where his military bearing, aptitude, and skill in maneuvering and drill attracted the attention of Gen. Benjamin Pierce, at whose earnest recommendation Capt. Miller was appointed, on July 8, 1808, major in the Fourth Infantry.

In 1811 the Fourth Infantry was ordered to Vincennes, Ind., and took part in Harrison's campaign terminating in the Battle of Tippecanoe.

Maj. Miller, however, was left at Vincennes during the campaign because of severe and continuous illness, but the regiment which had been disciplined and instructed by him received the very highest praise for its share in the campaign and the crowning battle.

In 1812 the regiment was ordered to Detroit. Lieut. Col. Miller was in command, the colonel, Boyd, having preceded them and acting as general during the campaign. War was declared June 18. On the 9th of August a detachment consisting of the available men of the Fourth Infantry, amounting to about 300, and a somewhat larger number of militia, all under command of Lieut. Col. Miller, encountered a force of British and Indians at Magagua or Brownstown. The enemy was somewhat superior in numbers, strongly intrenched, and awaiting the Americans on ground of their own selection. The Indian force was under the command of the celebrated Chief Tecumseh. The Americans attacked immediately, and after a severe struggle drove the enemy some miles.

Gen. Hull, who commanded in chief, declined to order or sanction further pursuit of the British, and one week thereafter, on the 16th of August, surrendered his force of over 2,000 men to the same commander, with scarcely more than half of his own number of troops, who had been so thoroughly beaten by Miller with an inferior force just one week before.

The disastrous termination of Hull's campaign naturally distracted public attention from such partial success as had been attained in its opening, but Miller was brevetted colonel for his action, and after the surrender the following letter was addressed to him:

ADJUTANT GENERAL'S OFFICE,  
Washington City, December 14, 1812.

SIR: I am instructed by the Secretary of War to convey to you, and through you to the officers and soldiers of the Fourth Regiment of Infantry, who are prisoners of war, the high sense which the President entertains of the gallantry and good conduct by which you and they have been uniformly distinguished.

I am, sir, very respectfully, your obedient servant,

T. H. CUSHING,  
Adjutant General.

Lieut. Col. JAMES MILLER.

Early in 1813 Col. Miller was exchanged for Lord Dacres. He took part in the indecisive campaign of 1813, but without any opportunity of distinction.

It was at the Battle of Niagara or Lundys Lane, fought on the 25th of July, 1814, that he rendered his next conspicuous service. The key point of the British position was the post of their field artillery. This Miller, with his regiment, stormed and captured. His reply, when asked if he could capture the battery, "I'll try, sir," became proverbial and had a prominent place in every description of the battle for many years.

Later, at Fort Erie, where an American force under command of Maj. Gen. Brown was besieged by the British, overwhelmingly superior in numbers and artillery, a sortie was made which defeated the British brigade in the trenches, destroyed their works, captured their artillery, and blew up their magazines, the effect of which was that the British

commander gave up the siege and retired without attempting any counterstroke with the two brigades that he still had intact.

In this affair Col. Miller, acting as general, had command of the center column and received the highest praise from his commanding officer for his conduct.

As already noted, Miller was brevetted colonel for his gallantry at Brownstown; he received the brevet of brigadier general for Lundys Lane and a gold medal from Congress conformably to the following resolution:

"Resolved, etc., That the President of the United States be requested to cause gold medals to be struck with suitable emblems and devices and presented to Brig. Gens. \* \* \* Miller \* \* \* in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Fort Erie.

"Approved, November 3, 1814."

The State of New York also presented him a sword of honor "pursuant to resolution of the senate and assembly."

Gen. Miller was retained in service upon the reorganization of the Army, but resigned in 1819 and was appointed by President Monroe as governor of Arkansas, serving until 1823. The following year he was appointed collector of the port of Salem, Mass., which position he held until 1849. He died at Temple, N. H., July 7, 1851, at the age of 76.

#### GEN. MILLER'S OFFICIAL MILITARY RECORD.

WAR DEPARTMENT,  
ADJUTANT GENERAL'S OFFICE,  
Washington, January 28, 1903.

SIR: In reply to your letter of the 23d instant to the Chief of the Record and Pension Office, War Department, which has been referred to this office, requesting the military record of Gen. James Miller, of New Hampshire, I have the honor to say that James Miller was appointed major, Fourth Infantry, July 8, 1808; was promoted to be lieutenant colonel, Fifth Infantry, November 30, 1810; was transferred to the Sixth Infantry September 14, 1812; was promoted to be colonel, Twenty-first Infantry, March 9, 1814; and was transferred to the Fifth Infantry May 17, 1815. He resigned from the service June 1, 1819, and died July 7, 1851, at Temple, N. H.

He was brevetted colonel August 9, 1812, for distinguished service at Brownstown, upper Canada, and brigadier general July 25, 1814, for distinguished service at Niagara Falls, upper Canada. A resolution of Congress of November 3, 1814, awarded him a gold medal in testimony of the high sense entertained by Congress of his gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Fort Erie, upper Canada.

I inclose for your information copy of a biographical sketch of Gen. Miller given in the report of the adjutant general of New Hampshire for 1868, which contains some information not found on the official records of this office.

Very respectfully,

H. C. CORBIN,  
Adjutant General, Major General, United States Army.

Hon. GEORGE PRABODY WETMORE,  
Chairman Committee on the Library, United States Senate.

The following sketch of Gen. Miller appears in the report of the adjutant general of New Hampshire for 1868:

Col. Miller was a native of Peterboro, the son of James Miller, of that town, who was of Scotch-Irish stock, from the north of Ireland, and was born April 25, 1776. After pursuing his studies in the academy at Amherst, and for a time in the college at Middlebury, Vt., he entered upon the study of law in the office of James Wilson, Esq., of Peterboro. Having finished his course of study, he was admitted to the bar of his native county in 1803. He settled in the practice of the law in the neighboring town of Greenfield, where he was soon in command of the company of artillery attached to the Twenty-sixth Regiment of the New Hampshire Militia. His military bearing, aptitude, and skill in maneuvering and drill attracted the attention of Gen. Benjamin Pierce, and at his earnest recommendation Capt. Miller was appointed major of the Fourth Regiment of the United States Infantry, commanded by Col. John P. Boyd, and then stationed at Fort Independence, in the Harbor of Boston. His commission bears date March 3, 1809, taking rank from the 8th of July, 1808. This regiment contained many officers and men from New Hampshire, and after Maj. Miller's appointment to it many more joined the regiment from the interior of New Hampshire. At the battles of Brownstown, Chippewa, Niagara, and "the sortie on Erie," he won distinguished honors. After the battle of Niagara he was made a brigadier. On the 3d of November, 1814, Congress presented him with a gold medal and the unanimous thanks of that body. The State of New York, through its senate and assembly, presented him with a sword. It is inscribed as follows:

"Presented by his excellency, Daniel D. Tompkins, governor of the State of New York, pursuant to resolutions of the senate and assembly of the said State, to Brigadier-General Miller, as a testimony of gratitude for his services and admiration of his gallant conduct."

Upon the close of the war Gen. Miller returned to his native State and devoted himself to agricultural pursuits.

In 1819 he was appointed governor of the Territory of Arkansas by President Monroe, but the climate not agreeing with him, in 1823 he returned to Temple in poor health. The following year he was appointed collector of the port of Salem. This position he held for 24 years, when his health becoming still more enfeebled by paralysis, in 1849 he resigned his office of collector and was succeeded by his youngest son. Upon his resignation he retired to his farm in Temple, where he died July 7, 1851, in the 76th year of his age. Gen. Miller was a Christian and a gentleman, as well as a gallant soldier. He won the respect of all who knew him.

#### BATTLE OF LUNDYS LANE.

[From Richardson's Index to the Messages and Papers of the Presidents.]

After his defeat at Chippewa, in 1814, Gen. Riall (British) retired by way of Queenston toward the head of Lake Ontario. He was soon reinforced and returned to attack the Americans under Brown, who had pursued him as far as Queenston. Hearing of the British reinforcements Brown retreated to the Chippewa River, and on July 24, 1814, encamped on the south bank, where he had defeated Riall on the 5th. On the 25th Gen. Scott, with 1,200 men, went forward to reconnoiter and came upon the British Army, 4,500 strong, near Niagara Falls, on Lundys Lane, a road leading from the Falls to the end of Lake Ontario. Soon the entire American force was engaged, the battle lasting from sunset till midnight. The American forces numbered about 2,500 men. During the engagement Gen. Scott and Lieut. Col. Miller



distinguished themselves for daring and efficiency. The British were finally driven back and forced to abandon their artillery, ammunition, and baggage. Both armies claimed the victory, though both left the field. The American loss was 171 killed, 571 wounded, and 110 missing—a total of 852 out of an army of 2,500. The British lost 84 killed, 559 wounded, 193 missing, and 42 prisoners—a total of 878 out of an army of 4,500. Gens. Brown and Scott were among the wounded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PRESIDENT PRO TEMPORE FOR MONDAY.

Mr. SMOOT. I desire to state to the Senate that the Vice President will be compelled to be out of the city on Monday next, August 14, and, therefore, Mr. President, I move that the Senator from Georgia [Mr. Bacon] be the President pro tempore of the Senate for that day.

The VICE PRESIDENT. The Senator from Utah moves that the Senator from Georgia [Mr. Bacon] be President pro tempore of the Senate for Monday, August 14. The question is on that motion.

The motion was unanimously agreed to.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, August 14, 1911, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate August 12, 1911.*

##### PROMOTIONS IN THE NAVY.

Commander Alexander S. Halstead to be a captain in the Navy from the 1st day of July, 1911, to fill a vacancy.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

Henry B. Soule,  
Walter M. Hunt, and  
Zachariah H. Madison.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1911, to fill vacancies:

Walter W. Lorshbough,  
Robert L. Ghormley, and  
Herbert B. Riebe.

Civil Engineer Richard C. Hollyday, with the rank of commander, to be a civil engineer in the Navy, with the rank of captain, from the 13th day of March, 1911.

Civil Engineer Frank T. Chambers, with the rank of lieutenant commander, to be a civil engineer in the Navy, with the rank of commander, from the 13th day of March, 1911.

Asst. Civil Engineer Samuel Gordon to be a civil engineer in the Navy from the 13th day of March, 1911, to fill a vacancy.

Asst. Civil Engineer Paul J. Bean to be a civil engineer in the Navy from the 5th day of May, 1911, to fill a vacancy.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 12, 1911.*

##### AMBASSADORS.

John G. A. Leishman to be ambassador extraordinary and plenipotentiary to Germany.

Thomas J. O'Brien to be ambassador extraordinary and plenipotentiary to Italy.

Charles Page Bryan to be ambassador extraordinary and plenipotentiary to Japan.

##### MINISTERS.

John R. Carter to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

Larz Anderson to be envoy extraordinary and minister plenipotentiary to Belgium.

Arthur M. Beaupré to be envoy extraordinary and minister plenipotentiary to Cuba.

Lloyd Bryce to be envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg.

John B. Jackson to be envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Bulgaria.

##### RECEIVERS OF PUBLIC MONEYS.

Hugh Scott to be receiver of public moneys at Guthrie, Okla.  
Albert Saylor to be receiver of public moneys at Seattle, Wash.

#### APPOINTMENTS IN THE ARMY.

##### MEDICAL CORPS.

First Lieut. Edgar D. Craft for appointment as first lieutenant in said corps, with rank from March 18, 1911.

[On June 29, 1911, Lieut. Craft, then a first lieutenant in the Medical Reserve Corps, was nominated to the Senate for appointment as first lieutenant in the Medical Corps, with rank from February 17, 1911, and his nomination was confirmed by the Senate on July 6, 1911. This message is submitted for the purpose of correcting an error in the date of the rank of the nominee.]

##### MEDICAL RESERVE CORPS.

##### To be first lieutenants.

William Gregg Gill.  
Thomas Wyatt Grice.  
Chester Raymond Haig.  
Robert Morris Hardaway.  
Thomas Everett Harwood, jr.  
Howard Lane Hull.  
Charles Peter Kennedy.  
Harry Rex McKellar.  
Alvin Charles Miller.  
Henry Chilton Osborn.  
Thomas Ewing Scott.  
Charles Moore Walson.  
William Francis Wild.  
Neal Naramore Wood.  
Hew Bernard McMurdo.

##### PROMOTIONS IN THE ARMY.

##### CAVALRY ARM.

##### To be first lieutenants.

Second Lieut. Innis P. Swift.  
Second Lieut. Joseph D. Park.  
Second Lieut. Arthur H. Wilson.

##### COAST ARTILLERY CORPS.

Maj. Oscar I. Straub to be lieutenant colonel.  
Capt. Benjamin M. Koehler to be major.

##### INFANTRY.

Chaplain John E. Dallam to be chaplain with the rank of captain.

##### PROMOTIONS IN THE NAVY.

Commander Frank K. Hill to be a captain.

Lieut. Commander George W. Laws to be a commander.

Lieut. Joseph R. Defrees to be a lieutenant commander.

Lieut. (Junior Grade) William P. Gaddis to be a lieutenant.

The following-named lieutenants (junior grade) to be lieutenants:

Conant Taylor,  
Arthur L. Bristol, jr., and  
Stephen W. Wallace.  
Passed Asst. Surg. Robert E. Hoyt to be a surgeon.  
Robert F. Jones, a citizen of Virginia, to be an assistant surgeon.

##### POSTMASTERS.

##### ALABAMA.

Frank W. Slocumb, Headland.

##### IOWA.

James L. Brown, Clarinda.  
Hiram Lamb, Murray.  
Alfred D. McCulloch, Humeston.

##### MARYLAND.

Harry C. Bowie, La Plata.

##### MISSISSIPPI.

William J. James, Lyman.

##### PENNSYLVANIA.

George A. Carter, Meshoppen.  
William H. Davis, Pittsburgh (late Pittsburg).

##### TEXAS.

John M. Cape, San Marcos.

##### WISCONSIN.

Frank E. Shults, Baraboo.

## HOUSE OF REPRESENTATIVES.

SATURDAY, August 12, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whom we live and move and have our being, continue, we beseech Thee, Thy blessings unto us as individuals and as a Nation. Inspire us by the holy spirit of truth to seek diligently the highest ideals in all that pertains to life and its far-reaching purposes. The night cometh when no man can work. Once more our hearts are filled with sorrow and grief by the death of a Member who for years was a conspicuous figure upon the floor of this House. Be very near to those who were near and dear to him and comfort them by the blessed hope of the gospel. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read.

## ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River in the State of Arkansas, and for other purposes;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; and

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

## SWEARING IN OF A MEMBER ELECT.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that Mr. GEORGE F. BURGESS be sworn in as a Member of the Sixty-second Congress. [Applause.]

Mr. GEORGE F. BURGESS, Representative elect from the ninth Texas district, presented himself at the bar of the House and took the oath of office.

## ARMY TENTS FOR ASTORIA CENTENNIAL.

Mr. UNDERWOOD. Mr. Speaker, before the Journal is approved I understand that the House on yesterday acted on Senate joint resolution 31, authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial to be held at Astoria, Oreg., August 10 to September 9, 1911, and that at the time that resolution was acted on it was supposed that the engrossed copy was here from the Senate, but as a matter of fact it turns out that that copy was not here. I therefore ask unanimous consent that so far as the Journal appears the proceedings of yesterday with reference to this resolution be stricken from the Journal.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the proceedings touching Senate joint resolution 31, to loan tents to the Astoria Exposition, be stricken from the Journal. Is there objection?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask that the proceedings taken by the House on the subject be vacated.

Mr. UNDERWOOD. Well, I intended that. I said all proceedings in reference to the Senate joint resolution which included the proceedings in the House.

Mr. MANN. But not merely stricken out of the Journal, but that the proceedings themselves be vacated.

Mr. UNDERWOOD. I intimated that in my resolution.

The SPEAKER. The amended request is that all proceedings touching Senate joint resolution 31 be vacated. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the following resolution be passed in reference to this joint resolution.

The SPEAKER. Without objection, with this correction, the Journal will stand approved. [After a pause.] The Chair hears none. The Clerk will report the resolution which the gentleman from Alabama sends up.

The Clerk read as follows:

House resolution 276.

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate copy of Senate joint resolution 31, authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, the same having been lost or misplaced.

Mr. MANN. Mr. Speaker, is the gentleman sure that the engrossed copy of the Senate resolution can not be found?

Mr. UNDERWOOD. Well, they have not been able to find it up to this time, and I assume it is lost. I do not desire to delay action on the matter, and if it turns up, it is all right. If it is still lost by Monday, the gentlemen who are interested in this matter will have an engrossed copy and will be ready to proceed.

Mr. MANN. Mr. Speaker, I call the attention of the gentleman and the House to this situation. The committees of the House, being new, many of them, are likely to act upon printed copies of Senate bills or resolutions, regardless of whether the committee has physical possession of the engrossed copy. Whether that was done in this case, or whether the engrossed copy was lost after it had been in the hands of the committee, I do not know. The House some time ago dispensed with the services of the distributing clerk. Personally, I think that is a mistake which ought to be rectified. The distributing clerk is the one who is responsible for the transmission of these papers from the House to the committees of the House. As it is now, there is no one responsible for getting these engrossed copies of Senate bills out of the Clerk's hands into the hands of the committees. I have no doubt this paper is reposing somewhere where nobody has gone after it or picked it up.

Mr. UNDERWOOD. I will answer the gentleman by saying we recognize the House is new; that we have organized a new machine, and naturally mistakes are made sometimes.

Mr. MANN. The gentleman understands I am not making any criticism, except to call attention in order that corrections may follow in the future.

Mr. UNDERWOOD. I have no doubt that this mistake having been made and brought to the attention of the House, the committees hereafter will see that they have in hand the engrossed copies before they bring the bills before the House. The only reason for this resolution is that we can not find the copy—probably will not be able to find it—and it will not hurt in any way to have an additional engrossed copy here Monday.

Mr. MANN. Not at all.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

## RECESS.

Mr. UNDERWOOD. Mr. Speaker, I understand that the House will probably adjourn in a few minutes. The conferees on the wool bill have come to an agreement. It will take something like half an hour to finish writing the statement. In order that it may be reported to the House and printed in the Record and prevent delay next week, I move that the House take a recess until 1 o'clock p. m.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until 1 o'clock p. m.

The motion was agreed to.

Accordingly (at 12 o'clock and 22 minutes p. m.) the House stood in recess until 1 o'clock p. m.

## AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

## WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to present to the House for printing in the Record under the rules the conference report on H. R. 11019, a bill to reduce the duties on wool and manufactures of wool, with a statement on the part of the House conferees and the original papers in the case.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] presents the conference report on the wool bill (H. R. 11019) and asks that it be printed under the rule.

Mr. MANN. Mr. Speaker, I desire to reserve a point of order on the conference report and to make the point of order that the gentleman can not present under the rules the original papers to the House until the matter has been acted upon by the Senate.



Mr. UNDERWOOD. Mr. Speaker, I would like to have the gentleman state his point of order which he reserves on the conference report, because I would like to have it disposed of.

Mr. MANN. I reserve all points of order. It is not necessary. It has to be printed under the rules.

Mr. UNDERWOOD. I do not think the gentleman has the right to reserve the point of order without giving the House the benefit of it.

Mr. MANN. Mr. Speaker, I reserve the point of order on the conference report.

The SPEAKER. The Chair knows that. All points of order are reserved, as the Chair understood the gentleman from Illinois.

Mr. MANN. Mr. Speaker, in this case the House passed the bill, the Senate agreed to an amendment to the bill, and sent it to the House with the amendment. The House disagreed to the Senate amendment and asked for a conference. The Senate agreed to the conference and the matter went to conference. And this was the situation: When the Senate agreed to the amendment and sent a message to the House it had passed the bill with the amendment, the original engrossed copy of the bill accompanied the message and was in possession of the House. The House disagreeing to the Senate amendment and asking for a conference, with a message to the Senate carrying that notice, sent the original papers, and the Senate, being in possession of the original papers, agreed to the conference asked, after insisting upon its amendment, and sent a notice to the House that it had agreed to the conference report. With that notice or message came the original papers. The original papers then were in possession of the House and were turned over to the House conferees. The conference committee having agreed to a report, the question is, who, then, is entitled to the original papers, because neither body can act upon the proposition without having the original papers in its possession? It has been the invariable rule that in conference committees, when the conference agrees upon a report the papers are transferred from the conferees who have possession of them to the other conferees. So that the invariable rule has been that the body agreeing to the conference acts first. I call the attention of the Speaker to Jefferson's Manual, paragraph 548, on page 282, as follows:

And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.

That matter is so well understood that it is even carried in the Congressional Vestpocket Directory. It is carried in the little bulletin that has been published by the Committee on Appropriations in reference to conference reports. There has been no case where this rule has not been observed. The Vestpocket Directory, for instance, on page 91, says:

In all cases of conference asked the managers of the House asking it are to leave the papers with the other House, and the report must be first made to the House agreeing to the conference.

The same statement is published in the pamphlet recently issued by the Committee on Appropriations.

The SPEAKER. The Chair would like to ask the gentleman from Illinois if he thinks the paragraph he has read carries out his present contention?

Mr. MANN. Absolutely.

The SPEAKER. The Chair will ask the gentleman if everything that that paragraph provides for has not already been done.

Mr. MANN. It has not been done. In this case there has been an agreement. Now the paragraph says:

The conferees of the House asking it—

In this case that is the House of Representatives—are to leave the papers with the conferees of the other.

That is the Senate in this case. We asked for the conference. Hence we had physical possession of the papers at the time the conference commenced, because in the messages back and forth between the House and the Senate in reference to the conference, the end leaves the physical possession of the papers with the House. Now, the rule in that case is that where the conferees agree, the House that asked for the conference, having physical possession, are to leave the papers with the conferees of the other House. That is the rule of Jefferson's Manual, and it is perfectly plain. That has been the invariable rule and practice.

If there had been no agreement in conference, the gentleman from Alabama [Mr. UNDERWOOD], having physical possession of the papers, might have brought the matter back to the House and moved to concur in the Senate amendments, because whichever body has physical possession of the papers is entitled to act upon them; but in this case, under the rule, the House

conferees should have left the papers in the possession of the conferees on the part of the Senate, so that the Senate should act first.

It sometimes becomes a very important matter as to which body acts first upon a conference report. It was not necessary for the House to ask for a conference. The House might have disagreed to the Senate amendments and left it to the Senate to ask for a conference, and if that course had been pursued, then the Senate conferees would have had physical possession of the papers while the conference was going on, and the first action in reference to the conference report would have been taken by the House. Sometimes the House does not ask for a conference, where it disagrees to a Senate amendment, in order that it may first pass upon the conference report.

Mr. UNDERWOOD. Mr. Speaker, in the early history of this House the question was somewhat in dispute between the two Houses as to which set of conferees were entitled to the papers. The practice for many years between the conferees has been that the House agreeing to the conference should take the papers, but that is merely a question between the conferees of the two Houses. It is not a matter of parliamentary law. It is not a matter of precedent that affects the passage of the bill. It is a question of courtesy between the conferees.

I do not dispute the question that the gentleman raises—that the common practice has been that where one House asks for a conference and the other House agrees to it, the House agreeing to it has the right, if it demands it, to take the papers back to that House.

But there is one question that can not be disputed, and the gentleman from Illinois agreed with a similar proposition this morning when it was necessary for us to amend the Journal because we did not have the physical possession of certain papers that were acted on yesterday.

Now, the Senate conferees waive their right to carry the original papers back to the Senate. They prefer that this House should act on this conference report first. They voluntarily and without dispute turned the papers over to me, to bring them to this House, and I have presented them to the House. They are in the possession of the House, and the question of the precedents as to what the conferees should do is merely a matter that guides the conferees, should a question of dispute arise between them. I recognize the fact, and I recognized it when we were in conference, that if the Senate conferees had demanded of me these papers they had a right to take them to the Senate. Nobody disputes that fact.

Mr. CANNON. Mr. Speaker, will the gentleman allow a question right there?

Mr. UNDERWOOD. Yes.

Mr. CANNON. The House, by rule agreed to, adopts Jefferson's Manual as a part of the rules of the House?

Mr. UNDERWOOD. Certainly.

Mr. CANNON. The gentleman from Illinois [Mr. MANN] has read from the manual, and has supplemented that reading by a statement of the invariable practice of the two bodies. Now, does the gentleman—

Mr. UNDERWOOD. I beg the gentleman's pardon. It has not been the invariable practice. It has been the practice in recent years.

Mr. CANNON. Now, does the gentleman from Alabama believe that it is in his power and in the power of the gentleman from Wisconsin, Mr. Senator LA FOLLETTE, practically speaking, to disregard a rule of this House—because Jefferson's Manual is a part of the rules of the House?

Mr. UNDERWOOD. Well, where I differ with the gentleman from Illinois—and I stated in the beginning—is that it is not a rule of procedure in the House. There is no rule of this House that governs the action of the Senate. There is no rule of this House that governs the conferees of the two bodies, except so far as the conferees of this House are concerned.

Now, in the early history of this House it was much in dispute as to whether the conferees of the Senate or the conferees of the House were entitled to the papers in a case similar to this. But the recent practice—not the rule—of the two Houses has been that the House agreeing to the conference should take the papers back to that House in case of an agreement and that the papers should go to the House asking for a conference in case of a disagreement.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. COOPER. Does the gentleman say that in matters as important as this it has been the rule within comparatively recent years to permit the whole matter to be decided by the conferees?

Mr. UNDERWOOD. I said that; yes.

Mr. COOPER. Suppose they could not agree. Then what could be done?

Mr. UNDERWOOD. Well, I recall one instance in Hinds' Parliamentary Practice and Precedents where he states that both sets of conferees, neither of them wanting to take the papers to either House, threw them on the middle of the table and walked off, leaving them in the middle of the table.

Mr. MANN. Oh, the gentleman reads from Jefferson's Manual the very paragraph which says that the duty of the conferees is, as in this case, to leave the papers with the Senate conferees, and in one case where they would not take them they left them on the table, as the gentleman should have done in this case.

Mr. UNDERWOOD. I say that there was such a dispute, and that in that case neither party would take the papers.

Mr. MANN. That was not in this country; that was in England.

Mr. UNDERWOOD. It is cited in Hinds' Precedents.

Mr. MANN. It is cited in Jefferson's Manual.

Mr. UNDERWOOD. I do not care where it happened, whether in this country or abroad. Mr. HINDS refers to it in his Precedents.

Now, Mr. Speaker, I simply contend this: It is not an important matter. Of course, if the House does not want to keep the papers and wants to send them to the Senate, and the Speaker holds that we are not entitled to these papers, then I will move that we send the papers there. It will probably delay action in this matter.

Mr. MANN. It would not be necessary to make a motion.

Mr. UNDERWOOD. But the Senate has waived its right to the custody of the papers. The papers are lying on the Speaker's desk. Whenever we have the papers we are entitled to act upon them. [Applause on the Democratic side.] It is believed that if the House can act promptly on this report and send it to the Senate we will reach the ultimate end desired more quickly than if we sent the papers to the other House.

I do not disagree with the gentleman from Illinois at all that if the Senate conferees had made a demand for these papers, in accordance with the precedents, it would have been my duty to yield to the demand and handed them the papers, and I would have done so. But they did not make the demand; they left the papers with me; and this proposition does not violate any precedent. They were willing for me to have the papers, and that being the case I present them to the House, having physical custody of them; and under these circumstances I say that the House is entitled to retain the papers and act on them next Monday. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, we may concede that the gentleman from Illinois is correct in the light of the provision from Jefferson's Manual, and still this House is entitled to keep the papers in this case. And for this reason: If the Senate was insisting that it was entitled to keep the papers a different phase of the question would be presented, but the conferees representing the Senate have acted for the Senate, and have turned the papers over to the conferees of the House, and requested them to first present the report and statement and original papers to this House. Therefore, until the agents of the Senate, their conferees, insist that they are entitled to the papers this House should retain them as requested by the Senate. [Applause on the Democratic side.]

There is a reason for it. Let me read from Hinds' Precedents, volume 5, section 6573:

6573. In 1864 the first conference report on the bill (H. R. 122) to increase the internal revenue was disagreed to by the Senate. The House thereupon asked a new conference, which the Senate agreed to. The conferees, finding themselves unable to agree, drew up a report that they had been unable to agree, and signed it in due form. The papers were evidently delivered to the Senate conferees, as would have been the procedure in case an agreement had been reached, and were taken to the Senate first. But when there, Mr. John Sherman, of Ohio, one of the Senate conferees, said that after consultation it had been determined that it would be best for the Senate to send the papers to the House in order that that body might first take action on the papers. So the papers were sent to the House, where it was voted to insist on the disagreement, and ask a new conference, and instruct the House conferees.

Mr. Speaker, the Senate, through its agents, sent the papers through our conferees to this House. The Senate is not asking for the original papers, they are on the Speaker's desk, and until the conferees of the Senate or the Senate itself by affirmative action requests that these papers be sent to that body this House is entitled to them and we should take action thereon and settle this proposition. [Applause on the Democratic side.]

I suggest that we do not do any violence to the clause in Jefferson's Manual read by the gentleman from Illinois, and we need not take issue with him on the proposition, because that

sort of case is not before us this morning, but one entirely different. We should act in pursuance of the agreement, desire, and request of the conferees from both bodies as now presented to us. Therefore I say that we should not return these papers to the Senate until requested by that body in the proper way, or unless the House should now desire by affirmative action and vote to do so. Not the slightest violence is done the rule invoked by the gentleman from Illinois, so long as the Senate fails to request a return of the papers and the House takes no action to that effect with the papers now in its physical possession and before it for the printing of the conference report and statement under the rule.

Mr. MANN. Mr. Speaker, I think the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Texas [Mr. HENRY] are both mistaken when they say that the House now has physical possession of the papers which lie on the Speaker's desk. In the first place, they are not on the Speaker's desk; and in the second place, when the gentleman from Alabama presented the papers I made the point of order that he had no right to present them. If the Speaker determines that he has no right, they are not in the possession of the House; they are in the possession of the gentleman from Alabama, and he should give them into the possession of the Senate conferees, where they belong. If they had been presented to the House without a point of order being raised, the House would then have been in physical possession of the papers, and would have to determine what its course should be.

Mr. Speaker, this question goes away beyond the question as to which body shall act first upon the wool tariff bill. If the Speaker determines that the House conferees in possession of the papers can keep them after the conference report is agreed upon no one can ever tell in the House, except the conferees, which body will be called upon to act first upon any conference report. Orderly procedure is necessary to preserve a fair consideration and an honest consideration of measures. We know now that under the rules as they have been made and construed, the body asking for the conference acts last upon the conference report, and that the body agreeing to the conference acts first upon the conference report. But if the contention of the gentleman from Alabama is agreed to, it rests solely within the sweet will of the conferees of one body. It will hardly do to say that the Senate consented to this; the Senate has had nothing to do with it.

The Senate conferees can have nothing to do with it. The House conferees were in possession of the papers and retained them. If they could retain them at all, they could retain them under any conditions. It is not sufficient to say that the Senate conferees permitted the papers to be retained. He who has possession of the papers can retain possession if he is acting within his rights; and if the gentleman from Alabama [Mr. UNDERWOOD] has the right to ask the House to act first because he presents physical possession of the papers, then any House conferees will have the same rights in the future, regardless of whether the Senate conferees want the papers or do not want the papers.

The gentleman says it would delay matters to send these papers to the Senate. Not at all. It is well understood that the House is shortly to adjourn out of respect to the memory of one of the noblest Members who ever sat on this floor; but if the papers go to the Senate this afternoon, where they belong, the Senate, which does not require its conference reports to be printed a day ahead in the Record, can act at once upon the conference committee report and message it over to us on Monday, and then we can act in the House. Instead of delaying matters, it will expedite them.

But that has nothing to do with the question. Will we follow the precedent? Rule XLIII provides:

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and the House of Representatives.

There being no special standing rule and order of the House on this subject, Jefferson's Manual controls. It is one of the rules of the House, and Jefferson's Manual plainly states that the conferees of the House asking for the conference are to leave the papers with the conferees of the other body. It has not been a matter of dispute, as suggested by the gentleman from Alabama. I have searched the precedents. There is no case where anyone has ever contended that in case the conferees reached an agreement, it was not necessary to transfer the papers. There has been some controversy where the conferees reported that they could not reach an agreement as to which set of conferees was entitled to the papers, but there is no case in the books, there is no case in the records, where any-



one has ever before contended that when a conference committee reached an agreement this rule of Jefferson's Manual was not binding and did not require the physical possession of the papers to go to the conferees representing the body which agreed to the conference—in this case, the Senate.

I hope the exigencies of the case in this instance are not so strenuous that we are to violate the invariable practice of 100 years and the rules of the House, in order that the gentlemen on the other side of the Chamber may leap to the bait and vote for what the other people call a protective tariff.

Mr. SHARP. Mr. Speaker, may I interrupt the gentleman to ask him a question for information? Is it the gentleman's contention that the Senate conferees can not voluntarily surrender these papers so as to bind the Senate?

Mr. MANN. Why certainly; the rules govern both bodies, and in the case referred to by the gentleman from Alabama and referred to in Jefferson's Manual, it says:

And in one case where they refused to receive them they were left on the table in the conference chamber.

A rule can not be left to the sweet will of two conferees, and if the Senate conferees could agree to it, then they would have to agree to it if the House conferees did not consent to turn over the papers.

Mr. COOPER. Mr. Speaker, the importance of the question before us, and of the rule and precedents just cited by the gentleman from Illinois [Mr. MANN], was first called to my attention in June, 1902, when the House was debating the Philippine bill, which on July 1 of that year became the organic act for the archipelago. The House Committee on Insular Affairs had for months been considering a bill for the government of the islands. The Senate passed a Philippine bill and sent it here. That bill contained no provision for a legislative assembly in the Philippine Islands. The question of whether Congress should enact a law establishing such a legislative assembly had led to much discussion in the press and elsewhere, some of it very bitter. The Senate was opposed to it by a large majority. No Senator ever advocated it. The Senate bill came here and was referred to the Committee on Insular Affairs. That committee reported back the Senate bill with an amendment striking out all after the enacting clause and inserting the House bill, which included a provision for a legislative assembly in the Philippine Islands.

Thus amended the bill came before the House, was debated night and day for one week, and then passed by a large majority. It went to the Senate. Meanwhile a resolution fixing the final adjournment for a day early in the next week had passed both Houses. The Senate disagreed to the bill as amended and asked for a conference. But, Mr. Speaker, before the bill had passed the House, and during the debate, I was approached by a United States Senator strongly hostile to the provision for a legislative assembly and by him on two different occasions advised to request a conference. His anxiety impressed me. Not only did he ask me to do this, but another Senator came over and suggested that I move for a conference. One of these gentlemen said: "This is going to pass the House; when it does pass, you ask for a conference."

Immediately it occurred to me that this must be a matter of serious importance for gentlemen so hostile to the House amendment to be so earnest in their desire for me to request a conference. I told them that I would see about it. Then I began an investigation of the rules, and soon found the provision in Jefferson's Manual which the distinguished gentleman from Illinois [Mr. MANN] has just cited.

I told members of the committee—Mr. Loud, of California, Mr. Tawney, and others—with whom I consulted that I should not ask for a conference because it would give away the possession of the papers; that in any event we could not get through with a conference until a very short time before the hour already fixed for adjournment; that if the conference report went first to the Senate that body would very probably instruct its conferees against the legislative assembly; and that because of the shortness of time and consequent hurry this hostile action of the Senate on that provision would perhaps have a determining influence on the vote here in the House.

So the House did not request a conference. The Senate did. The conference began on Friday and ended at half after 2 o'clock on Monday morning. On the same day the House adopted the conference report with the House provision for a legislative assembly. The Senate later adopted it, and it became a law. Congress soon adjourned.

Mr. Speaker, the right to the papers after a conference is not a right to be surrendered in the discretion of conferees. Suppose that the House were entitled to conference papers and to a first vote on an important conference report, does any gentleman claim that the House conferees would be entitled to sur-

render the papers to the Senate and deprive the present Democratic majority of its just right to vote first on a conference report?

Mr. HUGHES of New Jersey. Mr. Speaker—

Mr. COOPER. But, according to the contention of the distinguished gentleman from Texas [Mr. HENRY], the House conferees would have the right to give up the papers and permit the Senate to vote first—

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New Jersey?

Mr. COOPER. I do.

Mr. HUGHES of New Jersey. Would not that always be within the control of the House?

Mr. COOPER. Control of the House—it is a matter of the two Houses. It is a matter of rule and of long-established precedent.

At the conclusion of the conference on the Philippine bill, Senator LODGE, Senator ALLISON, and other distinguished Senators being among the conferees on the part of the Senate, and the gentleman from New York [Mr. PAYNE] and the gentleman from Indiana [Judge CRUMPACKER] being two of the conferees on the part of the House, this very question was suggested. I remarked that the Senate having asked for the conference the House was entitled to the papers; and the distinguished Senator from Massachusetts [Mr. LODGE] said, "Certainly," and the Senator himself had suggested that I ask for the conference.

Mr. Speaker, I think that this is a question of very great consequence. Suppose the conferees in their committee room, appreciating the exceeding importance it sometimes is to have the first vote, should have a physical contention over the possession of the papers? Which House would get the papers then? Suppose each House should sustain its own conferees, what then would result? Then what authority would there be by which to get the papers into either House? Is it possible that Jefferson's reference to this means nothing? No, Mr. Speaker, it is so important that the greatest of Democrats, Thomas Jefferson, laid it down in his manual as a rule of procedure that ought always to be followed.

Mr. BUTLER. And if not to be followed, why did he make a reference to it?

Mr. COOPER. Exactly, as the gentleman from Pennsylvania says, if it is not to be followed, why did Jefferson make any reference to it?

Mr. Speaker, Jefferson referred to it because it is of vital importance. A dispute between the conferees of the two Houses over possession of the papers leaves the papers on their table; the Senate demands that they come to the Senate and the House demands that they come to the House. Where are they going?

The SPEAKER. The Chair will suggest to the gentleman from Wisconsin [Mr. COOPER] that there is no disagreement between the conferees, as far as the House or the Speaker is informed, about who should have these papers.

Mr. COOPER. But, Mr. Speaker, suppose there had been trouble? We are making a precedent not only for cases where there is an amicable agreement by which one set of conferees have surrendered the rights of one of the Houses of Congress, but we are making a precedent to govern, also, in cases of dispute, which, without it, might lead to physical encounter.

We are making a precedent which ought under all circumstances, in every instance, to govern the deliberations of conferees. Mr. Speaker, it is of exceeding importance to the House that this rule, laid down in the manual of Thomas Jefferson, the greatest of all Democrats, should not be disregarded. [Applause.]

There is one question, Mr. Speaker, that I thought I had already propounded; but the gentleman from South Dakota [Mr. BURKE] calls it to my attention, and I reiterate it. Suppose that this House, under Jefferson's rule, were entitled now—as it is not—to these papers and to a first vote on this report; suppose, also, that every Member were present, alert, and anxious to vote; but suppose that the House conferees had for some reason deliberately handed over the papers to the Senate conferees and robbed the House of its rights; what then would the present Democratic majority have said? Would they have approved and been pleased with the surrender by their conferees? Not at all.

Mr. UNDERWOOD. Mr. Speaker, I think this is largely a tempest in a teapot, but I wish to call the Speaker's attention to section 549 of Jefferson's Manual. In that section it is stated that where the two Houses come to a disagreement it is customary for the House asking for a conference to take the papers, the opposite of what occurred here. And then the last paragraph says:

But sometimes managers have brought the papers to the agreeing House without question.

And then it cites Hinds' Precedents, V. 6239, footnote.

Now, the practice—

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Alabama [Mr. UNDERWOOD] yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman understand that that only refers to a case where the conferees report they can not agree?

Mr. UNDERWOOD. Oh, well, I am merely citing this. Of course, I understand that refers to a case, and not this case, of disagreement. But it shows that there are recent precedents, as shown in Hinds' Digest, where the conferees without objection have brought the papers not to the disagreeing House but to the House that asks for the conference.

Mr. MANN. That is where there is no agreement. Of course they retain the possession of the papers when there is an agreement.

Mr. UNDERWOOD. Oh, this note shows that sometimes the conferees have violated or changed the customary rule in these cases.

Mr. MANN. The gentleman is mistaken about that.

Mr. UNDERWOOD. Oh, no; I am not mistaken.

Mr. MANN. I have examined the cases. It only relates to cases where there has been a disagreement.

Mr. UNDERWOOD. Of course, it only relates to a case where there has been a disagreement, but if the rule is not followed in cases of disagreement uniformly, why should it be followed uniformly in cases of agreement? It shows that there is no uniform rule.

Mr. MANN. The rule as laid down in Jefferson's Manual applies only to a case where there has been an agreement, and that is the only rule I have cited. The gentleman's citation is where there has been no agreement.

Mr. UNDERWOOD. Certainly; but in ordinary cases where there has been no agreement the papers go back to the House asking for the conference. But this precedent shows that sometimes that rule is violated and the conferees let the papers go to the other House. So that I say, Mr. Speaker, it is absolutely in the hands of the conferees to bring the papers to that House where the conferees desire them to go, and if the House receiving the papers does not want them it can send them back to the other House. It is within the power of the House to determine what it pleases.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. In a moment. But I say this: If there had been a demand on the part of the Senate for these papers I would have delivered them to the Senate conferees, because it would have been in accordance with the precedents. The Senate did not ask for the papers. The Senate conferees left them with me, and therefore I brought them back to this House. [Applause.]

Mr. LONGWORTH. Now will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Ohio?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. I merely wanted to ask a question on that point. The gentleman says he was instructed to take these papers?

Mr. UNDERWOOD. No; I did not say that I was instructed to take these papers.

Mr. LONGWORTH. Was there a formal vote taken?

Mr. UNDERWOOD. No.

Mr. LONGWORTH. How was the instruction given?

Mr. UNDERWOOD. The Senate conferees said they did not want the papers. They did not ask for them. They left them with me, and I brought them back to the House. [Applause on the Democratic side.]

Mr. LONGWORTH. The reason I asked that question was that I understood that the entire proceedings of that conference were public—

Mr. UNDERWOOD. Certainly—

Mr. LONGWORTH. And, of course, as this is, in my opinion, a question of more or less importance—even though it is a tempest in a teapot, in the judgment of the gentleman, as he suggests—I wanted to know how the gentleman was instructed, whether by formal instruction of the conferees, or otherwise.

Mr. UNDERWOOD. Otherwise. [Laughter.]

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MANN. Does the gentleman think it is proper in a matter of conference for the House, or for either body, to act upon oral statements in a conference committee, when the

method usually pursued is to present the written statement of the conferees?

Mr. UNDERWOOD. Well, the gentleman from Illinois is assuming a fact that is not true. There is a written statement on the desk, telling what occurred in the conference.

Mr. MANN. Did the gentleman have possession of the papers in the conference?

Mr. UNDERWOOD. Yes; I had possession of them when I left this Hall and when I came back. [Applause.]

Mr. MANN. The only way to get anything officially before this body is by a report, not by an oral statement. Does the gentleman contend that if the Senate conferees had ordered the papers, and he had kept them, there would have been any different situation in the House?

Mr. UNDERWOOD. If the Senate conferees had wanted these papers, I would have left the papers with them, because under recent precedents they are entitled to them.

Mr. MANN. If they declined to give them, does the gentleman think the situation would be changed in the House?

Mr. UNDERWOOD. Oh, I do not act that way.

Mr. MANN. Oh, I have seen times in conference when the gentlemen in the conference would not give up the papers, by any means. It often becomes an extremely important question as to who has the physical possession of the papers.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that my experience is not as great as his. [Laughter.]

Mr. MANN. That is why I wanted to help the gentleman out. [Laughter.]

Mr. UNDERWOOD. I will say that I have been here 16 years, and it is only recently that I have had charge of the papers. [Applause and laughter.] And I have had no desire on my part to fight for them.

Mr. MANN. I recall an instance where I had the physical possession of the papers and returned from a conference and locked the papers up. That was in the case of a fight between the House and the Senate. We did not propose to let the Senate have its way.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Tennessee?

Mr. UNDERWOOD. Certainly.

Mr. SIMS. I would like to ask the gentleman this: That if the House acts on this conference report favorably and the Senate acts upon it favorably, and it is signed by the President, will it not be a valid act?

Mr. UNDERWOOD. That is so.

Mr. SIMS. That is all the people care about. They do not care about this controversy on rules, do they? [Laughter and applause.]

Mr. MANN. Evidently it is not so important now to have good rules as it was when we were in power.

Mr. SIMS. It would be important to have good rules, if we did not have a lot of rules crooks to pass upon them. [Laughter.]

Mr. UNDERWOOD. I wish to say again that if the Senate had demanded these papers I would have delivered them. They did not ask for the papers. They were willing to leave them in my possession to bring back to the House. They are in this House, and we have a right to act on them, because the bill is here.

Mr. DYER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Missouri?

Mr. UNDERWOOD. I do.

Mr. DYER. I should like to ask the gentleman this question: He says the Senate conferees did not ask for the papers. I should like to ask him if he or any of the House conferees offered the papers to them?

Mr. UNDERWOOD. Oh, well, informally we stated that we had the papers, and informally they stated that we could keep them.

Mr. COOPER. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. COOPER. The gentleman from Alabama says that the Senate surrendered the papers—that if the Senate had asked for the papers it could have had them. I ask the gentleman whether this matter was presented to the Senate?

Mr. UNDERWOOD. The Senate never have had the papers.

Mr. COOPER. Why?

Mr. UNDERWOOD. Because I had them all the time. [Applause and laughter.]



Mr. COOPER. The gentleman says that the Senate did not ask for the papers?

Mr. UNDERWOOD. Certainly.

Mr. COOPER. The question has never been presented to the Senate. Permit me to say to the gentleman that the question of the disposition of these papers was not before the conferees. Conferees have no right to surrender such papers in their discretion and against the rules. The disposition of these papers was not a question for the conferees at all.

Mr. UNDERWOOD. I did not surrender the papers, and the joint conferees have not asked for them. I had them when I went to the conference, and I have brought them back to the House. If the House wants to surrender them, the House has a right to pass a resolution and send them over to the Senate. It is in the power of this House to do so. If the House does not want to surrender them, no objection that I have heard has come from the Senate conferees or from the Senate. If they send a message over here and demand the papers, we can act upon it if we have not acted on the conference report before that time. But I think it is preferable—I am satisfied that the Senate prefers—that we act on this conference report first, because it will expedite business. Therefore I say that we are not violating any precedent. If the Senate conferees had asked for the papers, I would have yielded them without question.

Mr. FITZGERALD. Mr. Speaker, I would not wish the statement to go unchallenged that the managers on the part of either House have a right to waive any of the rights of either House in a conference, and I am quite clear that under the rule of the House and the settled practice and rules of procedure in a case like this the managers on the part of the Senate are entitled to the papers and to present them first to their body. But it seems to me, Mr. Speaker, that the point as presented can hardly be sustained.

The gentleman from Alabama [Mr. UNDERWOOD] has done two things. He has presented a conference report and a statement for printing in the *Record* under the rule and he has sent to the Clerk for the possession of the House papers which were in his possession.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I hope the gentleman from Illinois will allow me to state what I understand to be the situation.

Mr. MANN. That is not the situation.

Mr. FITZGERALD. He has offered to the House—

Mr. MANN. He has stated, "I present to the House these original papers."

Mr. FITZGERALD. He presents to the House the papers which were in his possession. The gentleman from Illinois made the point of order that the House can not receive these papers because the gentleman from Alabama has no right to their possession, and therefore has no right to present them to the House. But as a matter of fact he had the papers, and as a matter of fact he does present them to the House.

I take it that the gentleman from Alabama himself has suggested the remedy if the gentleman from Illinois desires to reach it, and that is, the papers having been presented to the House, if the House believes it proper that they should be sent to the Senate they must be sent there on the order of the House.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. The gentleman from Alabama offers to present to the House as a privileged matter certain papers. If he had offered to present anything to the House as a privileged matter which was not privileged the point of order would lie against it. In this case I made the point of order. The gentleman from Alabama can not present anything to the House which is not privileged to be presented. The mere fact that he has the papers has nothing to do with it; he is endeavoring to present them as a matter of privilege, and it is subject to a point of order.

Mr. FITZGERALD. The rule provides that conference reports may be presented at any time. The gentleman presents his report and the papers upon which the report is based.

Mr. MANN. Presenting a conference report is a privileged matter.

Mr. FITZGERALD. Certainly; and he presented with it the papers on which the conference report is based. The gentleman does not make the point of order that it is not a matter of privilege to present the papers, but he makes the point of order that the Senate is first entitled to the papers.

Mr. MANN. The gentleman is mistaken; I make the point of order that the House can not receive the papers, and the reason for that is because the House must receive the papers in this case by a message from the Senate.

Mr. SHACKLEFORD. Will the gentleman from New York yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. SHACKLEFORD. I desire to ask the gentleman from New York if he does not consider that the gentleman from Alabama [Mr. UNDERWOOD], being a conferee appointed by the House, is the agent of the House, and that being the agent of the House and these papers being in his possession are therefore already in the possession of the House. The conferees appointed by the House are a part of the House. They are the arm of the House, just as a sheriff or a marshal is the arm of the court. That which is in possession of the sheriff or the marshal is in the possession of the court. Is not what is in the possession of the conferees in the possession of the House? The gentleman from Alabama, being the agent of the House is in possession of the papers; therefore the papers are in the possession of this body.

Mr. MANN. The House has the receipt of the gentleman from Alabama for the papers.

Mr. SHACKLEFORD. What is in the hands of a receiver appointed by the court is in the hands of the court, and what is in the hands of the conferees appointed by the House is, in the contemplation of law, in the hands of the House to be disposed of by the House under its rules.

Mr. FITZGERALD. Mr. Speaker, suppose the Chair should sustain the point of order of the gentleman from Illinois and refuse to permit the gentleman from Alabama acting as manager on the part of the House to deliver these papers to the House. The gentleman from Alabama might put the papers in his pocket.

Mr. MANN. Yes, he might have thrown them in the fire.

Mr. FITZGERALD. The fact is that the papers are physically on the desk. If they do not belong here a resolution to test the sense of the House as to whether they should be sent back to the Senate would be privileged.

Mr. MANN. If the Speaker holds that the gentleman from Alabama does not have the right to present the papers to the House they go back to the possession of the gentleman from Alabama who, in accordance with the rule, will give them to the Senate conferees.

Mr. FITZGERALD. That is a non sequitur. The gentleman from Alabama might not. It might be unwise to trust the gentleman from Alabama with the papers again, now that the House managers have an agreement and the report has been presented.

I was inclined to believe at the outset that the gentleman from Illinois was accurate in his conclusion.

Mr. MANN. The gentleman knew that I was and he knows it now.

Mr. FITZGERALD. No, if I believed that the gentleman was now accurate I would support him with my argument regardless of the effect on the bill, or the political advantages resulting; because, in my opinion, the necessity of maintaining the rules in their integrity, and the parliamentary procedure under which we act, is of more importance than a temporary advantage to either party.

Mr. Speaker, several gentlemen have called attention to a precedent in the Senate in 1864, where it was ascertained that papers had been delivered inadvertently or improperly to the managers on the part of the Senate, and after consultation of the conferees it was believed that the papers should have been delivered to the managers on the part of the House. Without having examined the record of the discussion, it seems to be quite a fair inference that the papers were sent back by an order adopted by the Senate and not upon the question being raised that the Senate could not have received the papers; because it is quite clear that the Senate did have the papers from the summary given in *Hinds' Digest*.

A careful examination of the precedents fails to disclose an instance in which the papers presented, as in this instance, were rejected upon the interposition of a point of order.

There is no doubt that it becomes of vital importance at times, not only as to which House has the papers, but which House may be entitled to the papers, and it is of more importance to the House that the rules be strictly observed than it is to the other body, because in the other body the report can be presented and acted upon at once, and action might be taken before the House would have the opportunity to make a request for the papers; but with the House, conference reports, excepting during the last six days of the session, must be printed one day in the *Record*, and one day at least must intervene before action. If the Senate believes that it should have these papers, and desires to act upon them in the first instance, it will have an opportunity to send its request to the House for them. But I

do not understand that under our practice a point of order can be interjected as to something that is actually a fact. It seems to me that as the gentleman from Alabama [Mr. UNDERWOOD] has turned the papers over to the House, the House has them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. And I might suggest to the gentleman from Illinois [Mr. MANN] that it would not be necessary for the gentleman from Alabama [Mr. UNDERWOOD] at this time to deliver the papers to the Clerk, but when he calls up the conference report for action he could deliver them to the Clerk either in the open House or before the House convened; but so long as they were in the possession of the Clerk the House would have possession of them.

Mr. MANN. Does the gentleman think that if any Member on the floor of the House says he presents a privileged matter, and it is not a privileged matter, that it is not subject to a point of order, which will prevent the gentleman presenting it?

Mr. FITZGERALD. Yes; I believe that can be done.

Mr. MANN. What is the difference between that and this?

Mr. FITZGERALD. But the gentleman presents a privileged matter. He presents a conference report.

Mr. MANN. And to that extent has a right to present it, but has he the right to couple with it something else that he has not a right to present?

Mr. FITZGERALD. I do not believe that he has coupled with it anything that he has not a right to present. Suppose this were a case in which there was no controversy as to whether the House was entitled to the possession of the papers in the first instance. The gentleman from Alabama would do the identical thing that he has done here—he would present the conference report with the original papers.

Mr. MANN. He would have the right to.

Mr. FITZGERALD. Under what rule would he have a right to do it in that instance and not in this one?

Mr. MANN. In this case the records show that the gentleman from Alabama does not have possession of the papers.

Mr. FITZGERALD. But he has them.

Mr. MANN. He has physical possession, but as far as the House rules are concerned he is not entitled to the possession of them.

Mr. FITZGERALD. I disagree with the gentleman. It seems to me, Mr. Speaker, that the gentleman offering the papers here and the House actually having them in its possession, the only manner in which they can be sent to the Senate, if they should be sent there, would be by resolution, which would be entitled to consideration as a privileged resolution. I state very frankly that in the first instance I was inclined to believe with the gentleman from Illinois that perhaps they should be rejected on the point of order, but the House has them and it has control over them, and it seems to me that under these circumstances the point of order will not intervene.

Mr. CANNON. Mr. Speaker, I do not know that in this instance as a practical matter there is any point to gain, whatever the decision of the Chair may be. It seems, allude the RECORD, as a matter of fact, the conferees of the House and Senate have come to an agreement upon the bill. It is not controverted by the gentleman from Alabama [Mr. UNDERWOOD] that the rules of the House which bind him, bind the Speaker, and bind every other Member of the House, require that the papers should be handed over to the conferees on the part of the Senate. There is no joint rule touching the matter, but the House rule wherein we adopt Jefferson's Manual as a part of our rules is perfectly plain, and in practice touching revenue bills and appropriation bills, and all other bills, the rule of the House, it is admitted, governs the agents of the House, the conferees.

Now, it is important to every Member of the House, along the line of orderly legislation to know whether individually or as a body we will conform to the rule. Every Member who has investigated this matter knows that under the rule this report should be made to the Senate first. It is said, "Yes, that is the rule, but it shall not be enforced in this instance." Why? Because the gentleman from Alabama [Mr. UNDERWOOD] and one of the conferees representing the other body have agreed that the practice of the two bodies will be waived. The gentleman from Alabama says, "I will waive the rule of the House and bring the papers back," although the rule of the House is the other way.

Mr. HENRY of Texas. Will the gentleman from Illinois yield for a question?

Mr. CANNON. In a moment; I want to finish the statement, and then I will yield. "But," says some gentleman, "the gentleman from Alabama is the agent of the House, and therefore binds the House." It is a new doctrine in law, parliamentary or otherwise, that an agent can bind a principal without authority [applause on the Republican side] and bind a principal

against the express authority and a rule of the House. Now, I think it is important, dissociated from our desire to get away Monday, Tuesday, or Monday week, or any other time, that we should have certainty in our proceedings.

Mr. HENRY of Texas. Will the gentleman now yield?

Mr. CANNON. There has been certainty under the practice of the House, and there should continue to be certainty, and it should not be in the power of the gentleman from New York [Mr. FITZGERALD], when he presents in the coming session of Congress the great money bills, carrying hundreds of millions of dollars, to consult with a Member of the other body and conclude that the practice affecting the two bodies and the practice as declared by the rule of the House shall be varied, and to state that because the conferees saw fit to nullify the rule, and that is sufficient.

Mr. Speaker, I do not know now if there is any tactical advantage to be gained from a partisan standpoint by having this report first submitted to the Senate, and I do not care, but along the line of the rule of the House and certainty in proceedings in this great body, I believe the point of order is well taken. The point of order, invoking the rule, is that this is not a privileged question, it is not a privileged report, and there is no way of getting at it except by a point of order.

It has been asked, What will happen if the point of order is sustained; will we by message send the papers back to the Senate? That is not necessary or proper. If the point of order is sustained, the conferees have the papers, and they would be passed over under the rules of the House in the ordinary practice to the Senate conferees. Suppose that the gentleman from Alabama would put them in his pocket or burn them, or would be stubborn and say, "I will not play"? We would find a way to make any Member of this House play, and the gentleman from Alabama would not either have the right or the disposition to refuse to play.

Mr. HENRY of Texas. Will the gentleman now yield?

Mr. CANNON. I yield.

Mr. HENRY of Texas. The gentleman has argued as the other gentleman from Illinois [Mr. MANN] argued, that Jefferson's Manual is part of the rules of this House?

Mr. CANNON. Yes.

Mr. HENRY of Texas. And, under the rules of the House, the gentleman from Alabama has no right to present the original papers as a part of a conference report as a privileged matter.

Mr. CANNON. He has no right to present the conference report without the papers. If he has taken the papers, with a strong hand against the rule, it is void. [Applause on the Republican side.]

Mr. HENRY of Texas. Let me ask the gentleman this: Suppose, if the gentleman's argument is correct, that the Senate, by its affirmative action, instructs its conferees to turn the papers over to the House conferees; then, would it not still be against the rules of the House for the House conferees to present them for the purpose of being printed under the rules?

Mr. CANNON. Oh, the gentleman supposes a case that is—

Mr. HENRY of Texas. Would not the rules have to be changed in order to receive them?

Mr. MANN. Receive what papers?

Mr. HENRY of Texas. The papers accompanying the report of the conferees.

Mr. MANN. The papers come from the Senate when they come with a message.

Mr. CANNON. That is the way we get possession of them. We get them by message after the Senate acts upon them, and they would come independent of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. HENRY of Texas. Yes. But in this case they are presented for printing under the rules.

Mr. CANNON. The report is presented for printing under the rules, but the papers do not accompany the report and are no part of the report.

Mr. SHACKLEFORD. Mr. Speaker—

The SPEAKER. The Chair is ready to rule, although the Chair will hear the gentleman from Missouri if he desires to be heard.

No Member of the House believes more firmly that the rules of the House should be observed than does the present occupant of the Chair. The point of order raised by the gentleman from Illinois [Mr. MANN] seems never to have been raised hitherto; that is, in any case where the conferees agreed.

There is no question about this rule in Jefferson's Manual being a part of the rules of the House, and there is no question about what the procedure would be if nothing had been done to vary it. The papers under that rule, without anything else being done or said to influence it, would go to the Senate. The situation here is that the gentleman from Alabama [Mr. UNDER-



wood] undoubtedly had physical possession of the papers. As suggested by the gentleman from Illinois [Mr. MANN] there are two or three ways of getting physical possession of the papers. One is by violence. If that is to be the method of procedure, the Speaker could discreetly and judiciously, if he thought there was going to be any trouble about it, pick the conferees on account of their physical strength. [Laughter.] But the gentleman from Alabama states, and until it is controverted, of course, his statement stands, that the Senate conferees voluntarily gave to him these papers, and he came into the House in physical possession of them and offers them to the House. Being in possession of the papers carries with it the presumption of right of possession.

The Chair does not know, officially at least, anything as to any supposed effect as to the House having possession of the papers and voting on the conference report; but the fact remains that the gentleman from Alabama [Mr. UNDERWOOD] has physical possession of these papers, has brought them into the House, and has tendered them to the House with the free consent of the agents of the Senate.

If it should turn out that the Senate does not indorse the action of its conferees, it is easily remedied. All it has to do is to send a resolution over here asking for the return of these papers to the Senate.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. Would the House then be required to accede to the request?

The SPEAKER. Well, that is not involved in this matter; but I think the House would, as a matter of ordinary courtesy, send the papers to the Senate.

Mr. MANN. The Chair could not order them sent. The House would be required to send them, would it?

The SPEAKER. The Chair could not order them sent. The House could send them.

Mr. MANN. If it wanted to do so.

The SPEAKER. If it wanted to do so; but it would not have to send them if it did not want to do so, and there would be the end of the whole transaction, unless one body or the other changed its opinion. There is still another remedy. If the House does not indorse the action of the conferees in agreeing among themselves for the gentleman from Alabama to have physical possession of these papers and to bring them in here, the House can correct the action of the House conferees by the simple process of passing a resolution and sending the papers to the Senate. The distinguished gentleman from Illinois [Mr. CANNON] says correctly that it is the law that where an agent exceeds his authority, his principal is not bound, which is true; but he states only half the legal proposition, the other half being that where the agent exceeds his authority and the principal indorses his action, the principal is bound by the agent's act. The point of order is overruled. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to lay the appeal on the table.

Mr. MANN. Mr. Speaker, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 89, answered "present" 12, not voting 124, as follows:

## YEAS—160.

Adair	Clayton	Finley	Helm
Alken, S. C.	Cline	Fitzgerald	Henry, Tex.
Alexander	Collier	Flood, Va.	Holland
Allen	Connell	Floyd, Ark.	Howard
Ashbrook	Cox, Ohio	Foster, Ill.	Hughes, Ga.
Barnhart	Cravens	Fowler	Hughes, N. J.
Bartlett	Curlley	Francis	Hull
Bathrick	Davenport	Gallagher	Humphreys, Miss.
Beall, Tex.	Davis, W. Va.	Garner	Jacoway
Bell, Ga.	Dent	George	James
Blackmon	Denver	Glass	Johnson, Ky.
Booher	Dickinson	Godwin, N. C.	Kent
Borland	Dickson, Miss.	Graham	Kincaid, N. J.
Brantley	Dies	Gray	Konop
Brown	Difenderfer	Gregg, Pa.	Korby
Buchanan	Dixon, Ind.	Gregg, Tex.	Lee, Pa.
Bulkley	Doremus	Gudger	Lewis
Burke, Wis.	Doughton	Hamill	Lindbergh
Burleson	Dupre	Hamlin	Littlepage
Burnett	Edwards	Hammond	Lloyd
Byrnes, S. C.	Ellerbe	Hardwick	Lobeck
Callaway	Estopinal	Hardy	McCoy
Candler	Evans	Harrison, Miss.	McDermott
Carlin	Faison	Harrison, N. Y.	Macon
Carter	Ferris	Hay	Maguire, Nebr.
Claypool	Fields	Heflin	Mays

Moon, Tenn.  
Morrison  
Moss, Ind.  
O'Shaunessy  
Page  
Palmer  
Pepper  
Post  
Pou  
Raker  
Randell, Tex.  
Ransdell, La.  
Rauch  
Reilly

Richardson  
Roddenbery  
Rothermel  
Rouse  
Rubey  
Rucker, Colo.  
Rucker, Mo.  
Russell  
Sabath  
Shackleford  
Sharp  
Sheppard  
Sherley  
Sherwood

Sims  
Sisson  
Smith, N. Y.  
Sparkman  
Stack  
Stedman  
Stephens, Miss.  
Stephens, Tex.  
Stone  
Sweet  
Talcott, N. Y.  
Taylor, Ala.  
Taylor, Colo.  
Thayer

Thomas  
Tribble  
Tuttle  
Underhill  
Underwood  
Warburton  
Watkins  
Webb  
Whitacre  
White  
Wickliffe  
Wilson, Pa.  
Witherspoon  
Woods, Iowa

## NAYS—89.

Anderson, Minn.  
Bartholdt  
Bates  
Bingham  
Bowman  
Burke, S. Dak.  
Butler  
Campbell  
Cannon  
Catlin  
Cooper  
Copley  
Currier  
Dalzell  
Danforth  
Davidson  
Dods  
Driscoll, M. E.  
Dwight  
Dyer  
Esch  
Farr  
Foss

Foster, Vt.  
French  
Fuller  
Gardner, Mass.  
Good  
Green, Iowa  
Greene, Mass.  
Hamilton, Mich.  
Hanna  
Hartman  
Hawley  
Hayes  
Henry, Conn.  
Higgins  
Howland  
Hughes, W. Va.  
Humphrey, Wash.  
Kennedy  
Knowland  
Kopp  
La Follette  
Langley  
Lenroot

Longworth  
Loud  
McKenzie  
McKinley  
McKinney  
McLaughlin  
Madden  
Martin, S. Dak.  
Miller  
Mondell  
Morgan  
Mott  
Murdock  
Nelson  
Olmsted  
Payne  
Pickett  
Plumley  
Pray  
Prouty  
Reyburn  
Rees

Roberts, Mass.  
Roberts, Nev.  
Rodenberg  
Sells  
Slemp  
Sloan  
Smith, J. M. C.  
Smith, Saml. W.  
Steenerson  
Stephens, Cal.  
Sterling  
Switzer  
Taylor, Ohio  
Townner  
Volstead  
Wedemeyer  
Willis  
Wilson, Ill.  
Young, Kans.  
Young, Mich.

## ANSWERED "PRESENT"—12.

Adamson  
Austin  
Cullop

Gardner, N. J.  
Guernsey  
Haugen

Howell  
Kendall  
McMorran

Malby  
Morse, Wis.  
Needham

## NOT VOTING—124.

Akin, N. Y.  
Ames  
Anderson, Ohio  
Andrus  
Ansherry  
Anthony  
Ayres  
Barchfield  
Berger  
Boehne  
Bradley  
Broussard  
Burgess  
Burke, Pa.  
Byrns, Tenn.  
Calder  
Cantrill  
Cary  
Clark, Fla.  
Conry  
Covington  
Cox, Ind.  
Crago  
Crumpacker  
Daugherty  
Davis, Minn.  
De Forest  
Donohoe  
Draper  
Driscoll, D. A.  
Fairchild

Focht  
Fordney  
Fornes  
Garrett  
Gillett  
Goeke  
Goldfogle  
Goodwin, Ark.  
Gould  
Griest  
Hamilton, W. Va.  
Harris  
Heald  
Helgesen  
Hensley  
Hill  
Hinds  
Hobson  
Houston  
Hubbard  
Jackson  
Johnson, S. C.  
Jones  
Kahn  
Kindred  
Kinkaid, Nebr.  
Kitchin  
Konig  
Lafean  
Lafferty  
Lamb

Langham  
Latta  
Lawrence  
Lee, Ga.  
Legare  
Lever  
Levy  
Lindsay  
Linthicum  
Littleton  
McCall  
McCreary  
McGillcuddy  
McGuire, Okla.  
McHenry  
Madison  
Maher  
Martin, Colo.  
Matthews  
Moon, Pa.  
Moore, Pa.  
Moore, Tex.  
Murray  
Norris  
Nye  
Oldfield  
Padgett  
Parran  
Patten, N. Y.  
Patton, Pa.  
Peters

Porter  
Powers  
Prince  
Pujo  
Rainey  
Redfield  
Riordan  
Robinson  
Saunders  
Scully  
Simmons  
Slayden  
Small  
Smith, Tex.  
Speer  
Stanley  
Stevens, Minn.  
Sulloway  
Sulzer  
Talbot, Md.  
Thistlewood  
Tilson  
Townsend  
Turnbull  
Utter  
Vreeland  
Weeks  
Wilder  
Wilson, N. Y.  
Wood, N. J.  
Young, Tex.

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. ANSBERRY with Mr. MATTHEWS.

Mr. KINDRED with Mr. HILL.

Mr. SMALL with Mr. CRAGO.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. MCHEERY with Mr. LAFEAN.

Mr. GOLDFOGLE with Mr. DAVIS of Minnesota.

Mr. CARTER with Mr. KAHN.

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. COVINGTON with Mr. PARRAN.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. GOULD with Mr. HINDS.

Mr. JOHNSON of South Carolina with Mr. VREELAND.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. AYRES with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. CARY.

Mr. CONRY with Mr. CRUMPACKER.

Mr. DANIEL A. DRISCOLL with Mr. DE FOREST.

Mr. GARRETT with Mr. GILLETT.

Mr. LAMB with Mr. HEALD.

Mr. LEVY with Mr. HELGESEN.

Mr. LINDSAY with Mr. HUBBARD.

Mr. LITTLETON with Mr. JACKSON.

Mr. MARTIN of Colorado with Mr. KINKAID of Nebraska.  
 Mr. MOORE of Texas with Mr. LAFFERTY.  
 Mr. PATTEN of New York with Mr. PATTON of Pennsylvania.  
 Mr. LATTI with Mr. PRINCE.  
 Mr. SCULLY with Mr. SIMMONS.  
 Mr. SMITH of Texas with Mr. TILSON.  
 Mr. STANLEY with Mr. UTTER.  
 Mr. TURNBULL with Mr. ANTHONY.  
 For this session:  
 Mr. PUJO with Mr. McMORRAN (transferable).  
 Mr. RAINEY with Mr. HOWELL.  
 Mr. FORNES with Mr. BRADLEY.  
 Mr. RIORDAN with Mr. ANDRUS.  
 Mr. LEVER with Mr. SULLOWAY.  
 From August 10 to end of session:  
 Mr. CANTRILL with Mr. McGUIRE of Oklahoma.  
 From August 10 until Monday, August 14:  
 Mr. GOEKE with Mr. GRIEST (not to apply to vote on vetoes).  
 From to-day until Monday noon:  
 Mr. ANDERSON of Ohio with Mr. HARRIS.  
 Until Saturday night:  
 Mr. KITCHIN with Mr. AMES (not to apply to vote on vetoes).  
 Until Monday noon:  
 Mr. CULLOP with Mr. NYE.  
 Mr. DONOHUE with Mr. MOORE of Pennsylvania (not to apply to vote on vetoes).  
 Mr. COX of Indiana with Mr. LAWRENCE.  
 Mr. LEE of Georgia with Mr. PORTER.  
 Until Monday night:  
 Mr. MURRAY with Mr. WILDER.  
 Until Tuesday noon:  
 Mr. WILSON of New York with Mr. SPEER.  
 Mr. MCGILLICUDDY with Mr. GUERNSEY.  
 Mr. BYRNS of Tennessee with Mr. AUSTIN.  
 From August 5 to 19, inclusive:  
 Mr. REDFIELD with Mr. NEEDHAM.  
 From August 8 to 11:  
 Mr. JONES with Mr. SLEMP (not to apply to vote on vetoes).  
 From 21st of June to end of session:  
 Mr. MAHER with Mr. CALDER.  
 For the day:  
 Mr. PETERS with Mr. McCALL (not to apply to vote on vetoes).  
 For balance of the session:  
 Mr. HENSLEY with Mr. THISTLEWOOD (reserving the right to vote to make a quorum and all questions affecting vetoes of the President).  
 Mr. SLAYDEN with Mr. FORDNEY.  
 From August 10 to 12:  
 Mr. LINTHICUM with Mr. POWERS.  
 From August 8 to end of session:  
 Mr. SULZER with Mr. MALBY (reserving the right to vote to make a quorum and all questions affecting a veto of the President).  
 From August 4 until further notice:  
 Mr. SAUNDERS with Mr. LANGHAM.  
 On this vote:  
 Mr. TOWNSEND with Mr. WEEKS.  
 For balance of the day:  
 Mr. PADGETT with Mr. GARDNER of New Jersey.  
 From the 11th until Tuesday noon:  
 Mr. BROUSSARD with Mr. FOCHT (reserving the right to vote to make a quorum and all questions affecting a veto of President).  
 From August 12 until further notice:  
 Mr. HAMILTON of West Virginia with Mr. BARCHFELD (reserving the right to vote to make a quorum and all questions affecting the veto of the President).  
 From 11th until Tuesday noon:  
 Mr. OLDFIELD with Mr. MOON of Pennsylvania (reserving the right to vote to make a quorum and all questions affecting a veto of the President).  
 Mr. MALBY. Mr. Speaker, I voted in the negative; but being paired, I desire to withdraw my vote and to answer "present."  
 The result of the vote was announced as above recorded.  
 The announcement of the result was received with applause on the Democratic side.  
 The SPEAKER. The conference report and statement of the House conferees will be printed under the rule.  
 The conference report (No. 144) and statement are as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool,

having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"Schedule K. Wool and manufactures thereof.

"360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"361. On all nolls, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized nolls, and on all other wastes and on woolen rags composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"363. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bookings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per cent ad valorem.

"369. Mats, rugs for floors, screens, covers, hassocks, bed-sides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this sec-



tion, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"371. Whenever in this act the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process."

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of October, 1911.

And the Senate agree to the same.

O. W. UNDERWOOD,  
C. B. RANDELL,  
FRANCIS BURTON HARRISON,  
*Managers on the part of the House.*  
ROBERT M. LA FOLLETTE,  
J. W. BAILEY,  
F. M. SIMMONS,  
*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool submit the following written statement in explanation of the action agreed upon and recommended in the accompanying report:

The agreement reached by the conference committee is in the form of a substitute for the House bill and the amendment of the Senate, and is set forth in extenso in the accompanying conference report.

In brief, the salient points of agreement recommended as to the differences between the two Houses on the rates of duty on wool and manufactures thereof are as follows:

The rate of duty recommended on raw wool is 29 per cent ad valorem, instead of 20 per cent ad valorem, as proposed in the House bill, and the varying rates, ranging from 10 to 35 per cent ad valorem, on the three classifications of wool proposed by the Senate.

The rate on wool wastes and rags agreed upon is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 or 30 per cent ad valorem as proposed in the Senate amendment.

The duty on combed wool or tops agreed upon is 32 per cent ad valorem, instead of 25 per cent ad valorem as proposed in the House bill and 40 per cent ad valorem as proposed by the Senate.

The duty agreed upon for yarns is 35 per cent ad valorem, instead of 30 per cent ad valorem as proposed by the House bill and 45 per cent ad valorem as proposed in the Senate amendment.

The rate of duty on blankets and flannels for underwear is fixed at 38 per cent ad valorem, instead of 30 per cent ad valorem in the House bill for blankets and the cheaper flannels.

The duty agreed upon for cloths, ready-made clothing, knit fabrics, flannels not for underwear, women's dress goods, web-bings, gorings, etc., and articles not specially provided for, is 49 per cent ad valorem, instead of the varying rates in the House bill, ranging from 35 to 50 per cent ad valorem, and 55 per cent ad valorem as proposed by the Senate.

Three classifications were agreed upon for carpets, ranging in duty from 30 to 50 per cent ad valorem instead of the varying classifications in the House bill carrying duties from 25 to 50 per cent ad valorem, and 35 per cent ad valorem as proposed by the Senate amendment.

The date when the act shall take effect is made October 1, 1911, instead of January 1, 1912.

O. W. UNDERWOOD,  
C. B. RANDELL,  
FRANCIS BURTON HARRISON,  
*Managers on the part of the House.*

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes; to the Committee on Indian Affairs.

#### LEAVE TO PRINT.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on House concurrent resolution No. 11, requesting the President of the United States to invite foreign nations to participate in the celebration of the completion of the Florida East Coast Railway Co.'s line, connecting the mainland of Florida with Key West.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on House concurrent resolution No. 11. Is there objection?

There was no objection.

#### DEATH OF REPRESENTATIVE LOUDENSLAGER.

Mr. GARDNER of New Jersey. Mr. Speaker, it becomes my solemn duty to convey to the House the sad message that H. C. LOUDENSLAGER, of New Jersey, for more than 18 years an active, energetic, and highly respected Member of this House, has departed this life.

At a later day I shall ask for a special order fixing a time when the House may pay further respect to his memory. At present I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

#### House resolution 280.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. HENRY C. LOUDENSLAGER, a Representative from the State of New Jersey.

*Resolved*, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk send a copy of these resolutions to the Senate and also transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to, and the Speaker appointed as a committee, on the part of the House, Mr. CANNON, Mr. PADGETT, Mr. ROBERTS of Massachusetts, Mr. BUTLER, Mr. BATES, Mr. LLOYD, Mr. MCKINLEY, Mr. AIKEN of South Carolina, Mr. RODENBERG, Mr. CAMPBELL, Mr. CRAVENS, Mr. GARDNER of New Jersey, Mr. HUGHES of New Jersey, Mr. WOOD of New Jersey, Mr. KINKEAD of New Jersey, Mr. HAMILL, Mr. MCCOY, Mr. TOWNSEND, Mr. SCULLY, and Mr. TUTTLE.

#### ADJOURNMENT.

Mr. GARDNER of New Jersey. Mr. Speaker, I offer the following:

The Clerk read as follows:

*Resolved*, That as a further tribute of respect to the memory of the deceased the House do now adjourn.

The motion was unanimously agreed to; accordingly (at 2 o'clock and 58 minutes p. m.) the House adjourned until Monday, August 14, 1911, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury submitting an estimate for a deficiency appropriation for the fiscal year ending June 30, 1911, to meet expenses of an administrative character under the caption "General expenses of public buildings" (H. Doc. No. 103) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4625) granting a pension to Mary Rischert, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 13532) for the erection of a military post at or near the city of Vicksburg, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 13533) directing the Secretary of War to restore all monuments and markers on battle field of Missionary Ridge, Tenn., to original locations; to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 13534) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: A bill (H. R. 13535) for the erection of a military post at or near the city of Gulfport, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. ROTHERMEL: Resolution (H. Res. 277) to suspend the killing of fur seals in Alaska; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. SISSON: Resolution (H. Res. 278) to investigate the owners of the property proposed to be purchased to enlarge the Capitol Grounds; to the Committee on Rules.

By Mr. SIMS: Resolution (H. Res. 279) amending the rules of the House of Representatives; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13536) granting an increase of pension to Frederick Canz; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13537) for the relief of the heirs of Sallie H. Gannaway; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 13538) granting an increase of pension to William J. Aylsworth; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 13539) granting a pension to Mollie W. Springer; to the Committee on Pensions.

Also, a bill (H. R. 13540) granting an increase of pension to Francis Carre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13541) granting an increase of pension to Lewis Wildey; to the Committee on Pensions.

Also, a bill (H. R. 13542) granting an increase of pension to Henry S. Luckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13543) granting an increase of pension to Patrick Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13544) granting an increase of pension to Lemuel V. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13545) granting an increase of pension to Franklin Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13546) granting an increase of pension to James R. Anthony; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13547) for the relief of James W. Scully, brigadier general, United States Army, retired; to the Committee on War Claims.

Also, a bill (H. R. 13548) to correct the military record of Isaac W. Reed; to the Committee on Military Affairs.

Also, a bill (H. R. 13549) granting an increase of pension to Edmond Hampton; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 13550) granting a pension to Jacob Shaffer; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 13551) granting an increase of pension to Henry Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13552) granting an increase of pension to Anna Glendenning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13553) granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 13554) for the relief of the heirs of Simon Kirkpatrick, deceased; to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 13555) granting an increase of pension to John F. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13556) granting an increase of pension to Bolling H. Felts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13557) granting an increase of pension to George W. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13558) granting an increase of pension to Joseph J. Sanson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13559) granting an increase of pension to J. H. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13560) granting a pension to Ellen Whalin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13561) granting an increase of pension to James H. Lile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13562) granting a pension to Ulysses G. Hunt; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Petition of the heirs of Hervey Baker, deceased, late of Knox County, Tenn., praying reference of claims to Court of Claims under the Bowman Act; to the Committee on War Claims.

By Mr. FITZGERALD: Resolutions of the District Grand Lodge No. 2, American Order of B'nai B'rith, urging the public officials who have in charge the enforcement of treaty obligations to take immediate steps to protect the rights of all American citizens, irrespective of creed; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Centerville Grange, of Winnebago County, Ill., favoring a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petitions of the Chamber of Commerce of San Francisco and the Citrus Protective League, of Los Angeles, Cal., against placing lemons on the free list; to the Committee on Ways and Means.

By Mr. KORBLY: Resolutions of Groups 1, 2, and 8, Indiana Bankers' Association, indorsing action of monetary legislation as suggested by the American Bankers' Association; to the Committee on Banking and Currency.

Also, resolutions of Groups 5 and 7, Indiana Bankers' Association, indorsing Aldrich plan for monetary legislation; to the Committee on Banking and Currency.

Also, petitions of H. W. Howland, of Indianapolis; R. H. Ames, of Crawfordsville; C. I. Robinson and 19 others, of Lebanon, all in the State of Indiana, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of Workmen's Sick and Death Benefit Fund of America and Cigar Makers' Union No. 33, relative to the McNamara case; to the Committee on the Judiciary.

Also, resolutions of the National Association of Automobile Manufacturers, urging an amendment to the corporation-tax law so as to permit companies and corporations to make returns as of the close of their fiscal year; to the Committee on Ways and Means.

Also, petition of Indiana Grain Dealers' Association, protesting against order by Postmaster General for transportation by freight of journals and magazines issued less frequently than weekly; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: Papers to accompany bill for the relief of James W. Scully, brigadier general, United States Army, retired; to the Committee on War Claims.

By Mr. PLUMLEY: Papers to accompany bill granting a pension to James E. Welch; to the Committee on Invalid Pensions.

By Mr. REES: Papers to accompany bill granting an increase of pension to Anna Glendenning; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Michael Holbert; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Henry Carpenter; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 13528, a bill for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.